

**Report III
(Part 1)**

Third Item on the Agenda:

Information and Reports on the Application
of Conventions and Recommendations

Summary of Reports on Ratified Conventions

(Articles 22 and 35 of the Constitution)



International Labour Office Geneva

9661/

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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 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.

At its 204th Session (November 1977), the Governing Body approved the following arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under Article 22 of the Constitution:

- (a) the practice of tabular classification of reports, without summary of their contents, which for a number of years had been followed in respect of reports subsequent to first reports after ratification, should be applied to all reports, including first reports;
- (b) the Director-General should make available, for consultation at the Conference, the original texts of all reports on ratified Conventions received; in addition, photocopies of those reports should be supplied on request to members of delegations (free of charge if only of a limited nature, at cost for more substantial requests).

Requests for consultation or copies of reports may be addressed to the secretariat of the Committee on Application of Conventions and Recommendations.

The present summary refers to reports for the period ending 30 June 1979.

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. |
|----------------|--|---|-----------------------|-----------------------|
| Afghanistan | - | 29 | - | - |
| Algeria | - | 13, 24, 32, 56, 62, 69, 71, 74, 78, 81, 95, 96, 100, 105, 127 | 94, 111, 122 | - |
| Angola | 12, 17, 18, 19, 29, 45, 69, 74, 81, 89, 91, 98, 100, 104, 105, 106, 107, 111 | 6, 27, 88 | - | 14 |
| Argentina | - | 29, 32, 34, 71, 87, 88, 98, 100, 105 | 16, 19, 53 | 13, 27, 33, 73 |
| Australia | - | 10, 16, 29, 63, 100, 105, 111, 123, 137 | 19 | 27 |
| Norfolk Island | - | - | 5, 87, 98 | 10, 29, 105 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|------------------|-----------------------|-------------------------------|---|--|
| Austria | - | 19, 29, 33, 88, 100 | 13, 63, 81 | 10, 27, 105, 135 |
| Bahamas | 12, 88, 117 | 42, 105 | 17, 94 | 5, 10, 11, 14, 19, 45, 50, 64, 65, 81, 86, 95, 97 |
| Bangladesh | - | 32, 81, 96 | 19, 29 | 16, 59, 118 |
| Barbados | 10, 135 | 63, 81, 100, 102, 118, 128 | - | 5, 19, 29, 74, 105 |
| Belgium | - | 2, 29, 88, 96, 100, 113 | 1, 5, 10, 14, 19, 33, 43, 53, 69, 74, 81, 95, 101, 105 | 13, 16, 27, 32, 62, 73, 92, 115, 125, 126 |
| Benin | - | - | 29 | 100 |
| Bolivia | - | 100 | - | - |
| Brazil | - | 19, 29, 100, 105, 118 | - | 5, 53 |
| Bulgaria | 108 | 29 | 81 | 10, 13, 16, 19, 27, 32, 34, 53, 59, 60, 62, 69, 73, 98, 100, 113, 123 |
| Burma | - | 29, 52, 63 | 17 | 16, 19, 27, 87 |
| Burundi | - | 81, 94, 105 | - | 19, 27, 52, 59, 62, 101 |
| Byelorussian SSR | - | 29, 32 | 100 | 16, 27 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|-----------------------------|-----------------------|--|-------------------------------------|---|
| Cameroon, United Rep. of | 135 | 81, 97, 100, 105, 131, 132 | 87, 94, 98 | 5, 10, 13, 16, 33, 77, 78, 123 |
| Canada | - | 63, 74, 100 | - | 16, 27, 32, 69, 73 |
| Chile | - | 34, 63, 100, 127 | 19, 29 | 10, 13, 16, 27, 32 |
| Colombia | 136 | 2, 25, 29, 62, 81, 88, 105, 129 | 13, 19 | 5, 16, 100 |
| Comoros | - | - | - | 29 |
| Costa Rica | 102, 130, 138 | 81, 95 | 11, 87, 92, 98 | 29, 96, 100, 105, 113, 114, 120, 127 |
| Cuba | 141 | 29, 63, 81, 105, 108, 136, 137, 138 | 13, 16, 19, 32, 53, 96, 100, 135 | 27, 113 |
| Cyprus | 144 | - | - | 16, 19, 29, 81, 105, 123 |
| Czechoslovakia | - | 63 | 19, 29 | 5, 10, 13, 27, 34, 100, 123 |
| Democratic Yemen | - | 98 | 29, 105 | 19 |
| Denmark | - | 5, 32, 63, 81, 100, 118 | 16 | 19, 29, 53, 105 |
| Faeroe Islands | - | - | 105 | 5, 16, 19, 29, 53 |
| Greenland | - | - | - | 5, 16, 19, 29, 105 |
| Djibouti | 29 | - | - | - |
| Dominican Republic | - | 81, 100 | 19, 88 | 5, 10, 29, 89, 111, 119 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|--------------------------|-----------------------|---|---------------------------------|---|
| Ecuador | - | 81, 88, 100, 102, 105, 118, 136, 139 | - | 113, 123 |
| Egypt | - | 1, 17, 18, 63, 74, 95, 105, 131 | 19, 29, 81, 88, 96, 100, 107 | 111 |
| Ethiopia | - | 88 | 2, 87, 98 | 11, 111 |
| Fiji | - | 19, 59 | 105 | 29, 85 |
| Finland | 142 | 17, 29, 53, 63, 81, 96, 100, 105, 118, 129, 134, 136, 138 | 73, 135 | 13, 16, 19, 27, 32, 62 |
| France | - | 19, 22, 35, 36, 37, 38, 53, 62, 74, 78, 96, 97, 100, 118, 129, 136 | 63, 125 | 5, 10, 13, 16, 33, 69, 108, 113, 126, 127, 135 |
| Overseas departments: | | | | |
| French Guinea | - | 22, 53, 74, 100 | 12, 125, 135 | 5, 10, 13, 16, 45, 69, 73, 108, 113, 115, 123, 126, 136 |
| Guadeloupe | - | 22, 53, 74, 100 | 12, 125, 135 | 5, 10, 13, 16, 45, 69, 73, 108, 113, 115, 123, 126, 136 |
| Martinique | - | 22, 53, 74, 100 | 12, 125, 135 | 5, 10, 13, 16, 45, 69, 73, 108, 113, 115, 123, 126, 136 |
| Réunion | - | 22, 53, 74, 100 | 12, 125, 135 | 5, 10, 13, 16, 45, 69, 73, 108, 113, 115, 123, 126, 136 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|----------------------------|------------------------------------|---|---|---|
| Overseas territories: | | | | |
| French Polynesia | 100 | 18, 19, 22, 24, 29, 42, 63, 77, 81, 94, 105, 115, 120 | 3, 13, 44, 53, 71, 78, 96, 125 | 5, 10, 12, 16, 33, 45, 69, 73, 108, 123 |
| New Caledonia | - | 17, 19, 22, 42, 44, 56, 71 | 2, 24, 35, 36, 37, 38, 52, 53, 69, 81, 82, 88 | 5, 10, 11, 14, 15, 16, 29, 33, 43, 45, 49, 58, 63, 73, 77, 78, 84, 87, 89, 91, 95, 96, 99, 105, 108, 115, 120, 122, 124 |
| St. Pierre and Miquelon | 10, 19, 24, 53, 55, 56, 69, 100 | 12, 26, 99 | 125 | 3, 5, 6, 13, 16, 33, 45, 89, 123 |
| Gabon | - | 29, 81, 135 | 96 | 5, 10, 13, 33, 100, 111 |
| German Dem. Republic | 47, 140 | 100, 120, 127 | 27 | 16, 45, 135 |
| Germany, Fed. Rep. of | 140 | 29, 62, 96, 100, 118, 129, 136, 138, 139 | 19, 63, 81 | 16, 27, 73, 105, 113, 134, 135 |
| Ghana | - | 81 | - | 1, 8, 11, 14, 16, 19, 23, 59, 69, 74, 96, 100, 106, 107, 111, 117 |
| Greece | 100, 134, 136 | 13, 19, 29, 81, 89, 90, 105 | 5, 69 | 16, 27 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|---------------|-----------------------|---|-----------------------|--|
| Guatemala | - | 30, 62, 63, 81, 88, 95, 96, 100, 120 | 105 | 19, 87, 98, 113, 114, 118 |
| Guinea-Bissau | 29, 104 | - | - | - |
| Guyana | - | 29, 100 | 81, 105, 129 | 5, 10, 19 |
| Haiti | - | 24, 25, 100 | 17, 81 | 1, 5, 12, 14, 19, 30, 77, 78, 98, 106, 107 |
| Honduras | - | - | 87 | 29, 32, 62, 100, 105 |
| Hungary | - | 6, 19, 29, 48, 142 | - | 10, 16, 27, 62, 100, 123, 135, 136, 139 |
| Iceland | - | 100 | 29, 111 | 11, 87, 98, 105 |
| India | 141 | 5, 81, 100 | 16, 29 | 19, 27, 32, 118, 123 |
| Indonesia | - | 100 | - | 19, 27 |
| Iran | - | 19, 29, 100, 105, 106 | - | - |
| Iraq | - | 1, 8, 14, 30, 88, 105, 115, 131, 132, 136 | 13, 29, 100 | 16, 59, 77, 95, 98, 106, 111, 135 |
| Ireland | - | 63, 74, 96, 100 | 2, 12, 19, 69, 118 | 16, 27, 29, 32, 44, 62, 105, 121 |
| Israel | - | 10, 19, 29, 48, 53, 81, 100, 118 | 5, 105 | 96 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|------------------------|-----------------------|--|----------------------------|--|
| Italy | - | 13, 19, 29, 32, 48, 97, 100, 105, 118, 127 | 16, 53, 69, 73, 96, 111 | 10, 27, 59, 60, 123 |
| Ivory Coast | - | 29 | 85 | 5, 13, 19, 33, 96, 100, 105, 135, 136 |
| Jamaica | - | 81, 97, 105 | - | 16, 19, 29 |
| Japan | 102, 139 | 81, 100, 121 | 5, 10, 16, 69, 73, 96 | 19, 27, 29, 98 |
| Jordan | - | 81, 100, 105, 111, 117, 118, 119, 124 | 98 | 29, 123 |
| Kenya | - | 29, 63, 81, 88, 105, 123 | 16, 59, 118 | 19, 27, 32 |
| Kuwait | - | 1, 29, 119, 136 | - | 81 |
| Lebanon | - | 115 | - | - |
| Liberia | - | - | - | 87, 98 |
| Luxembourg | - | 29, 81 | 77, 78 | 13, 16, 22, 23, 27, 100, 105 |
| Madagascar | - | 19, 111, 117, 118, 119, 127, 129, 132 | 87, 124 | 5, 13, 33, 81, 100, 120, 123 |
| Malawi | - | 64, 65, 86 | 99 | 12, 19, 50, 81, 100, 104, 107, 129 |
| Malaysia | - | 17, 81, 88 | - | 16 |
| Peninsular Malaysia | - | - | 19 | - |
| Sarawak | - | - | 19 | - |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|-------------------------|-----------------------------|---|--------------------------------------|--|
| Mali | - | - | 29, 81 | 5, 13, 19, 33, 100, 105 |
| Malta | - | 88 | 19 | 5, 10, 16, 32, 81, 87, 105 |
| Mauritania | - | 19, 22, 62, 81, 94, 118 | 29, 53, 87 | 5, 11, 13, 14, 29, 33, 52, 84, 95, 96, 101, 111, 114 |
| Mauritius | - | 16, 63, 74, 81, 105 | 19, 59 | 8, 32 |
| Mexico | 140 | 9, 13, 32, 34, 53, 62, 63, 90, 105, 134 | 16 | 19, 27, 29, 100, 123 |
| Mongolia | - | 59, 100 | - | 98, 111 |
| Mozambique | 1, 14, 17, 18 | - | - | - |
| Nepal | 100 | 131 | - | - |
| Netherlands | 126, 141 | 9, 19, 27, 29, 32, 62, 81, 100, 105, 111, 138 | 48, 63, 69, 74, 96, 102, 118, 135 | 8, 13, 16, 73, 87, 115 |
| Netherlands Antilles | - | 94, 105, 122 | 25 | 11, 14, 22, 23, 87, 95 |
| New Zealand | 68, 92, 134 | 97 | 10, 53, 63, 81, 105 | 16, 29, 32, 59 |
| Cook Islands | - | - | 105 | 11, 14, 29, 82, 84 |
| Niue | - | - | 105 | 11, 14, 29, 64, 65, 82, 84, 99 |
| Nicaragua | 45, 77, 78, 95, 127, 131 | 1, 2, 13, 28, 29, 30, 100, 105, 111 | 8, 17, 24, 25, 87 | 5, 11, 14, 16, 19, 21, 22, 27 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|------------------|----------------------------|--|--|---|
| Niger | - | - | 29, 105 | 13, 85, 100, 135 |
| Nigeria | - | 95, 97, 100 | - | - |
| Norway | 135, 139, 141, 142, 144 | 53, 69, 73, 100, 118, 129 | 63, 81, 134 | 13, 19, 27, 29, 32, 59, 105 |
| Pakistan | - | 29, 81, 96, 105 | - | 16, 19, 27, 32, 59, 106, 118 |
| Panama | - | 13, 16, 27, 29, 30, 32, 42, 52, 53, 63, 68, 73, 74, 77, 78, 81, 92, 105, 107, 113, 119, 126, 127 | 69, 96, 112, 125 | 10, 19, 100, 123 |
| Papua New Guinea | - | 8, 19, 27, 105 | 11, 29, 85, 98 | - |
| Paraguay | - | 1, 29, 81, 100, 115 | 77, 105 | 59, 60, 120, 123 |
| Peru | 139 | 1, 20, 32, 44, 52, 55, 59, 67, 68, 79, 81, 90, 101, 111 | 14, 29, 53, 69, 77, 78, 87, 98, 105 | 9, 10, 19, 22, 23, 27, 73, 100, 113 |
| Philippines | - | 23, 53, 77, 89, 100, 105 | 59 | - |
| Poland | 99, 119, 135 | 27, 105 | 2, 24, 25, 29 | 9, 12, 13, 14, 16, 17, 18, 19, 23, 62, 69, 73, 74, 77, 78, 95, 96, 100, 101, 103, 111, 115, 120, 123, 124, 127 |
| Portugal | 143 | 19, 29, 69, 74, 100, 105 | 73, 135 | 27 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|--------------|-----------------------|---|-----------------------|--|
| Qatar | 81, 111 | - | - | - |
| Romania | - | 29, 81, 129, 134, 136, 137 | 88, 131 | 13, 16, 27, 100, 127, 138 |
| Rwanda | - | 26, 62, 94 | 123 | 19, 105 |
| Saudi Arabia | 1, 14 | - | - | - |
| Senegal | - | 19, 29, 105 | 125, 135 | 5, 10, 13, 33, 81, 96, 100 |
| Seychelles | - | 87, 105 | 8 | 5, 11, 16, 29 |
| Sierra Leone | - | 17, 100, 119, 125 | 29, 81 | 16, 19, 32, 59 |
| Singapore | - | 5, 32, 81 | 29 | 16, 19 |
| Somalia | - | 95 | 29, 94 | 16, 17, 22, 84, 85, 111 |
| Spain | 87, 98, 138, 142 | 29, 63, 73, 74, 81, 97, 100, 129, 134 | 53 | 13, 16, 19, 27, 32, 48, 62, 69, 96, 105, 113, 123, 136, 137 |
| Sri Lanka | - | 81, 131 | 63, 96, 135 | 5, 16 |
| Sudan | - | 19, 29, 100, 105 | - | - |
| Suriname | - | 29, 81 | 96 | 13, 19, 27 |
| Swaziland | 29, 59 | 87, 95, 98 | 11 | 5, 19 |
| Sweden | 141, 142, 144 | 10, 16, 27, 32, 63, 73, 96, 100, 118, 139 | 29, 135 | 13, 19, 105, 134 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|-------------------------|-----------------------|--|-----------------------|---------------------------------------|
| Switzerland | 102, 128, 141, 142 | 29, 81, 100, 136, 139 | 16, 63 | 5, 19, 62, 105, 123 |
| Syrian Arab Republic | - | 1, 29, 30, 63, 96, 115, 129 | 87, 135 | 53, 100, 123 |
| Tanzania | - | 17, 50, 63, 65 | 12, 29, 95, 105 | 11, 16, 19, 45, 59, 64, 86, 94, 98 |
| Tanganyika | - | - | 88 | 101 |
| Zanzibar | - | 97 | 85 | 32 |
| Thailand | - | 29, 105 | - | - |
| Togo | - | - | - | 29 |
| Trinidad and Tobago | - | 29, 111 | 97, 98, 105 | 87 |
| Tunisia | - | 29, 59, 81, 100, 105, 118, 119, 127 | - | 13, 16, 19, 62, 113, 123 |
| Turkey | 122 | 81, 94, 95, 96, 102, 127 | 26, 98 | 100 |
| Uganda | - | 29, 81 | 105 | 5, 19, 123 |
| Ukrainian SSR | - | 29, 32 | 100 | 10, 27, 59, 60, 69, 123 |
| USSR | - | 29, 32 | 100 | 16, 27, 60, 69, 73, 113, 123 |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|-----------------------------------|-----------------------|-----------------------|-------------------------------|--|
| United Kingdom | - | 81, 100 | 5, 10, 19, 45, 63, 74, 135 | 16, 29, 32, 69, 105 |
| Antigua | - | - | - | 5 |
| Belize | - | 17 | 81, 105 | 5, 10, 16, 19, 29, 59 |
| Bermuda | - | 17, 19, 59, 105 | - | 5, 10, 29, 135 |
| British Virgin Islands | - | 17 | 85, 105 | 5, 10, 12, 19, 29, 59 |
| Brunei | - | 63, 105 | 29, 81, 84 | 5, 10, 16, 19 |
| Falkland Islands (Malvinas) | - | 17, 32, 58, 59 | 8 | 5, 10, 11, 14, 29, 45, 82, 84, 87, 98, 105 |
| Gibraltar | 100, 142 | 59 | 17, 135 | 5, 16, 19, 29, 45, 63, 81, 105 |
| Guernsey | 142 | - | 63, 135 | 5, 10, 16, 32, 69, 74, 81, 105 |
| Hong Kong | 142 | 5, 81, 105, 144 | 17, 63 | 16, 29, 45, 59 |
| Jersey | - | - | - | 29 |
| Isle of Man | - | - | 63, 81 | 5, 10, 16, 29, 32, 69, 74, 105 |
| Montserrat | - | 17, 85 | 29, 105 | 5, 16, 19 |
| St. Helena | - | 59 | - | - |
| St. Kitts- Nevis-Anguilla | - | 29 | 82, 105 | - |

| Country | A Conventions Nos. | B Conventions Nos. | C Conventions Nos. | D Conventions Nos. |
|--|-----------------------------------|---|---|--------------------------------|
| United States | - | 53, 74 | - | - |
| Guam | - | 53, 74 | - | - |
| Trust territory of Pacific Islands | - | 53 | - | - |
| Puerto Rico | - | 53, 74 | - | - |
| Virgin Islands | - | 53, 74 | - | - |
| Western Samoa | - | 53 | - | - |
| Upper Volta | - | 100 | - | - |
| Uruguay | 119, 122, 131, 134, 136, 138 | 2, 63, 81, 94, 96, 105, 121, 129 | 62, 87, 114 | 13, 16, 19, 27, 32, 73, 113 |
| Venezuela | - | 29 | - | - |
| Yemen | 14, 87, 98, 100, 131, 132, 135 | - | - | 19, 29, 81, 104, 111 |
| Yugoslavia | 32, 132, 136 | 8, 14, 19, 48, 53, 81, 97, 106, 113, 126, 129 | 22, 24, 25, 27, 29, 69, 74, 100, 114, 122 | 5, 16, 123 |
| Zaire | - | 29, 81, 95, 100, 117, 119 | 84, 94, 98 | 11, 14 |
| Zambia | - | 29, 100, 123, 136, 138 | 105 | 19, 135 |

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Report III
(Part 2)

Third Item on the Agenda:

Information and Reports on the Application
of Conventions and Recommendations

Migrant Workers

**Summary of Reports
on Conventions Nos. 97 and 143
and Recommendations Nos 86 and 151**

(Article 19 of the Constitution)

ISBN 92-2-102090-8

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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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In this report references to legislative texts published by the ILO
in the Legislative Series (LS) appear in parentheses.

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and 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 Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949, Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Migrant Workers Recommendation, 1975 (No. 151).

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1979. 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 1979.

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 66th (1980) Session, will include a general survey on the reports on the above-mentioned Conventions and Recommendations.

MIGRATION FOR EMPLOYMENT CONVENTION (REVISED) (NO. 97)
AND RECOMMENDATION (REVISED) (NO. 86), 1949, MIGRANT
WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975
(NO. 143) AND MIGRANT WORKERS RECOMMENDATION, 1975
(NO. 151)

ARGENTINA

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Constitution of the Argentine Nation and Statute of the Argentine Revolution.

Decree No. 390 of 13 May 1976 to approve a consolidated text of the rules governing contracts of employment (Boletín Oficial (BO), 21 May 1976, No. 23410, p. 2) (LS 1976 - Arg. 1).

Act No. 16478 of 29 September 1964 (BO, 30 September 1964).

Legislative Decree No. 4805/63 of 17 June 1963 (BO, 22 June 1963).

Decree No. 4418/65 of 4 June 1965 (BO, 14 July 1965) (Anales de Legislación Argentina, No. 19, 1965, p. 7).

Act No. 17294 of 23 May 1967 (BO, 2 June 1967).

Act No. 21590 of 14 June 1977 (BO, 21 June 1977, No. 23684, p. 6).

Decree No. 464/77 of 21 February 1977 (BO, 1 Mar. 1977, No. 23608, p. 3).

Labour Agreement dated 5 April 1972 and complementary protocol approved by Act No. 20021 of 13 December 1972 (BO, 20 December 1972, No. 22569, p. 3).

The Argentine Republic has traditionally supported a liberal policy regarding the admission of nationals of other countries, as is clearly expressed in the Preamble to the National Constitution and in the relevant sections of the Constitution, particularly sections 14, 16 and 20.

It is one of the functions of the National Congress to promote immigration and the importation of foreign capital, and the provinces exercise the corresponding powers.

Section 17 of the Act respecting contracts of employment prohibits any form of discrimination between workers on grounds of sex, race, nationality, religion, political opinion, trade union membership or age.

The current legal standards relating to occupational associations of workers stipulate that they may not make any distinction between their members on the grounds of political ideology, religion, nationality, race or sex.

MIGRANT WORKERS

Decree No. 4418/65 lays down the functions and powers of the National Directorate of Migration and prescribes regulations for the admission, entry, residence and exit of foreigners and a summary procedure for dealing with misdemeanours. The Decree defines "seasonal workers" as foreigners who are members of groups recruited under special collective contracts by establishments or undertakings or by national or provincial public institutions or bodies, and who enter the country as temporary "unskilled" labour. The maximum period during which a "seasonal worker" may stay in the country is nine months from the date of entry; this period may not be extended. The National Directorate of Migration may exceptionally authorise the entry and stay of "seasonal workers" for up to a maximum of 18 months.

Act No. 17294, as amended by Act No. 21590, suppresses clandestine migration. Foreigners who are unlawfully resident in the country and temporary residents may not engage in gainful activity.

Decree No. 464/77 institutes special programmes for the settlement of foreigners who are to be engaged for rural and industrial work, mining, fishing, scientific research, professional work and other activities of national interest.

In connection with seasonal workers, it should be mentioned that there exist special regulations such as the Labour Agreement between the Republics of Argentina and Chile, signed on 17 October 1971, which regulates seasonal and temporary work on the territories of both countries, and the Agreement respecting seasonal workers concluded between the Argentine Republic and the Republic of Bolivia on 14 February 1978, which regulates the control and surveillance of entries and exits of these workers from the country, their occupational activity and the fulfilment of their employment contracts.

Agreements on social security have also been concluded between the Argentine Republic and Chile.

As regards the present situation of migration in Argentina, the most recent information available indicates that the number of immigrants during the decade 1964-74 was comparable to the number entering the country during one year at the beginning of the century.

This indicates the very slight influence of immigration on the composition of the labour force of Argentina and hence on production and consumption in the country.

The problems of "migrant workers" referred to in the ILO Convention and Recommendations are thus not a significant feature of the demographic, labour and social situation in the Argentine Republic.

The General Migration Bill envisages the setting up of a service to provide immigrants with information and advice, temporary accommodation and credits for settlement programmes.

The National Directorate of Migration will have the following powers and duties: providing facilities for the reception, settlement and establishment of immigrants in the Republic, in areas suitable for the purpose, and promoting and facilitating the integration of immigrants.

Matters relating to migration are the responsibility of the National Directorate of Migration, which depends on the Ministry of the Interior.

Finally, it should be mentioned that, owing to the reorganisation which is at present taking place in the country, it has not been possible to call on the organisations of employers and workers to collaborate in the examination of migration problems.

AUSTRIA

CONVENTION NO. 97

Basic Law of 1867 (Reichsgesetzblatt, No. 142).

Act of 1975 respecting the employment of foreigners (Bundesgesetzblatt (BGBL.), text 218).

Employment Market Promotion Act of 1968 (BGBL., 1969 text 31) (LS 1968 - Aus. 2).

Regulation of Labour Act of 1974 (BGBL., text 22).

Chambers of Labour Act of 1954 (BGBL., text 105) (LS 1954 - Aus. 2).

Aliens Police Act of 1954 (BGBL., text 75).

State Treaty of 15 May 1955 (BGBL., text 152).

Convention for the protection of human rights and fundamental freedoms, ratified by Austria (BGBL., 1958, text 210).

Constitutional Act on the basis of the Federal Constitutional Act (BGBL., 1954, text 59).

General Administrative Procedures Act 1950 (BGBL., No. 172).

Code of Civil Procedure.

Collective agreement of 17 December 1970 to regulate certain conditions of employment of foreign workers.

In accordance with the provisions of the Passports Act, the right to immigrate is subject to the granting of a special authorisation in the form of a visa, which is issued immediately. Nationals of Luxembourg and Switzerland are exempted from this obligation under bilateral agreements. The right to emigrate is constitutionally guaranteed by section 4 of the Basic Law of 1867 respecting the basic rights of nationals.

The Employment of Foreigners Act of 1975, the Employment Market Promotion Act of 1968, the Ordinances respecting quotas of immigrants which are revised each year in accordance with the provisions of section 12 of the Employment of Foreigners Act, and

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the collective agreement of 17 December 1970 to regulate certain conditions of employment of foreign workers apply the provisions of the Convention concerning pre-employment medical examination, equality of treatment as regards working conditions and pay, the provision of accommodation in conformity with national standards, access to the labour administration services free of charge, the establishment of official recruiting centres in the major countries of recruitment, the establishment of interpretation services for migrant workers from the major countries of recruitment, no charge for administrative formalities in connection with recruitment, entry into the country and the obtaining of a job. Foreign workers are assimilated to comparable workers in the undertaking as regards membership of the Austrian Federation of Trade Unions. They are, however, not eligible for membership of the works council or of a chamber of labour. Migrant workers in Austria are covered by compulsory sickness, accident, pension and unemployment insurance, whatever their nationality and irrespective of whether they are legally employed.

No distinction is made between Austrian nationals and those of other countries as regards the rate and nature of income tax. In the event of appeals to the competent civil courts on matters which are the subject of the Convention, workers must put down a judicatum solvi security. A draft modification to the Code of Civil Procedure, which is at present being prepared, will propose the repeal of the above-mentioned provision.

Workers' and employers' organisations participate directly in the application of the legal provisions through membership of committees attached to the provincial labour offices and labour offices administered by the Federal Minister of Social Affairs. The application of the legislation is supervised by the Federal Ministry of Social Affairs and the bodies under its authority.

Members of the migrant worker's family who accompany him do not have to undergo a medical examination. Migrants - and hence the members of their families - are not assimilated to nationals as regards vocational training and the work of women and young persons. Certain doubts remain regarding the provision of the Convention which imposes certain obligations on host countries regarding the return of the migrant to a country which is not his country of origin. By virtue of the Employment of Foreigners Act, certain provisions of the Convention would not appear to be applicable in Austria.

RECOMMENDATION NO. 86

The members of migrant workers' families do not have access to employment under the same conditions as nationals. The granting of a work permit depends above all on the employment situation and trends in the labour market. The recommendation that restrictions on employment should cease to be applied to migrant workers and members of their families who have resided in the country for five years is not applied. The family members - spouse, children under the age of 19 and parents - of migrant workers who are lawfully resident and employed in Austria are authorised to enter the country and reside there in the same conditions as the migrant worker

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

himself. The authorisation to enter Austria and to reside with a migrant worker who is already there is subject to the presentation of a certificate to the effect that the person concerned is not suffering from a contagious disease and to the availability of sufficiently spacious accommodation. A migrant worker who loses his job is entitled to a residence permit for the period during which he has drawn unemployment benefits; this also applies to members of his family. In case of need the residence permit is extended until his right to benefit expires.

Expulsion of migrant workers is regulated by the following provisions: a migrant worker without lawful occupation is requested to leave the country. In the event of a refusal he and his family may be banned from residence in the country and even expelled to their country of origin. The foreigner must reimburse the costs arising in this connection.

There is at present no possibility of taking additional measures to give effect to the provisions of the Recommendation. Certain of them would appear to be inapplicable in the light of the efforts being made at national level to stabilise the employment of foreigners.

CONVENTION NO. 143

Under the State Treaty of 15 May 1955 Austria must guarantee to all persons living under Austrian national sovereignty, without distinction as to race, sex, language or religion, the exercise of human rights and fundamental freedoms. Austria has also ratified the Convention for the Protection of Human Rights and Fundamental Freedoms.

The recruitment agreements concluded with the major countries of origin of foreign manpower employed in Austria (Turkey and Yugoslavia) and the instructions issued to frontier posts guarantee that no one enters Austria illegally to carry on an activity and that no one resident in Austria carries on an unlawful activity in the country. Stern anti-fraud measures have been taken by the Aliens Police against attempts at illegal infiltration by foreigners wishing to work. An employer must obtain a work permit if he wishes to employ a foreigner. These provisions give the migrant worker the status of a legally employed person. Checks made by social security administrations may be considered as an additional security measure against the illegal employment of migrant workers. In addition, the employer must communicate to the labour inspectorate, on request, the numbers and names of foreigners employed in the undertaking. Finally, the obligation of the labour inspectorates to co-operate with provincial labour offices in the field of their competence is an additional means of supervision enabling any illegal employment of foreign workers to be suppressed.

Institutions exist for the reception of migrant workers in transit or arriving in Austria with the intention of staying there. The Fund for the Reception and Counselling of Persons Emigrating to Vienna has been set up in Vienna. This institution is responsible for the reception of migrant workers and provides them with

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information and services. The latter consist mainly of the publication of information programmes, the organisation of leisure time, support for linguistic assistance, the organisation and promotion of language courses, the establishment of advisory centres for adults, children and young persons, liaison services with schools, youth bureaux and hospitals, interpretation services for administrative authorities and undertakings, assistance in finding accommodation, and housing programmes. The Aliens Section of the Personnel Office of the City of Vienna is the centre of a widespread service of assistance to the various municipal offices to help migrant workers to comply with administrative formalities. In all the Länder of the Republic of Austria migrant workers enjoy the assistance of various organisations in the form of guidance and grants in cash or in kind. The Immigrants Fund runs a family hostel for migrant workers, and will shortly open a second one to accommodate migrants for short periods.

Article 2. The Federal Ministry of Social Affairs must consult the Aliens Committee on which the representative organisations of employers and workers are represented.

Article 3. The provisions of section 9, subsection 5, of the Employment Market Promotion Act of 1968, under which any placement activity not covered by the statutory provisions is unlawful, enable measures to be taken against the organisers of clandestine migrations and employers who employ illegal immigrants. The penal provisions of section 48 of the Employment Market Promotion Act and section 28 of the Employment of Foreigners Act provide for penal sanctions for those who employ foreigners unlawfully. The administrative authority may order the employer to refrain from employing foreigners in the event of repeated contraventions of the statutory provisions and in the event of illegal employment of migrant workers.

Article 4. The recruitment agreements concluded with other States (Turkey, Yugoslavia, etc.) apply the provisions of this Article.

Article 5. See under Article 3. It is, however, for the law of the land to decide whether contraventions of this kind should be dealt with by the courts or punished by administrative sanctions.

Article 6. The employer must supply information on the foreigners employed in the undertaking; failure to do so may result in a penal sanction. Administrative prosecutions and the penalties applied in the event of illegal employment likewise represent an adequate basis for measures against the organisation of migrations in abusive conditions. Administrative sanctions against employers and the serving by the authorities of orders prohibiting the employer from continuing to employ foreigners are in line with the sanctions required under the provisions of paragraph 1 of this Article. Nevertheless, in accordance with Article 5 of the European Convention on Human Rights, section 28 of the Act respecting the employment of foreigners does not provide for a penalty of imprisonment, but only for a fine.

The provision of paragraph 2 is considered to be a reversal of the burden of proof which is incompatible with Austrian penal law; this clause of the Convention is not applied in Austria at the present time.

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Article 7. The provisions of this Article are fully applied by the institutionalised participation of representative organisations of employers and workers in the assessment procedure and by the statutory co-operation of these organisations in the examination of matters of major importance in the Advisory Council for Labour Market Policy, the Aliens Committee and the relevant institutions at the Land level, which come under the jurisdiction of the Land labour offices.

Article 8. In the event of loss of employment, a migrant worker may obtain a new work permit for another job, due regard being had to the employment situation and trends in the labour market, and on condition that this is not contrary to the interests of the State or the economy in general.

The residence permit granted on the basis of entry or return visas is not withdrawn if the foreigner is entitled to an unemployment insurance benefit and as long as this entitlement subsists. If the residence permit expires during this period, it is extended, on request, for the duration of the period of entitlement to benefit.

The only cases in which a residence permit is not renewed or is cancelled are when a foreigner is not engaged in regular employment or is not entitled to unemployment insurance benefits and where he consequently appears to be without means of support. If in this event the foreigner does not leave Austria voluntarily, or does not comply with an order for his departure, he may be forbidden to stay in the country and be expelled to his country of origin. Paragraph 1 is thus not fully applied.

A work permit may not be issued to a foreigner unless the employment situation and the trends in the labour market permit his employment and it is compatible with the interests of the State or the economy as a whole.

In the event of loss of employment, the assignment of a migrant worker to another job is also subject to these conditions.

Equality of treatment between migrant workers and nationals who have lost their employment does not appear to be applied. In the event of staff reductions in the undertaking, the labour relationship of foreigners must be terminated before that of nationals. It would also appear that paragraph 2 of this Article of the Convention may not be considered as being fully applied.

Article 9. Section 29 of the Employment of Foreigners Act provides that a foreigner who is employed without a work permit may demand the same rights of his employer as if he were in possession of a valid contract of employment. This provision does not include rights going beyond the duration of employment (notice of dismissal); since, however, the obligation to obtain a work permit lies with the employer, it would be possible for the worker to make other claims, to the extent that they are directed against the employer, by invoking the law on compensation for damages. Social security is linked with performance of a job subject to compulsory insurance; the possibility of such a job being performed unlawfully has no effect on the origin of entitlement to social insurance, with the exception of emergency unemployment assistance, which is reserved for nationals. A foreign worker may insist on his rights in the event of contestation.

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The costs of execution of a residence ban, including the costs of expulsion of the worker or his family, must be reimbursed by the foreigner. The employer must reimburse the costs resulting from the execution of a residence ban in cases in which they cannot be reimbursed by the foreign worker.

The maximum use is made of the possibility of lawfully employing persons who are engaged in employment in contravention of the provisions in force in order to avoid hardship to migrant workers who have entered Austria in good faith, particularly when their employment is of economic interest.

Article 10. This provision cannot be considered as being applied. Work permits are granted to migrant workers with due regard for the employment situation and trends in the labour market.

Article 11. Seamen, artists and persons coming for purposes of training or education or to undertake specific duties or assignments on a temporary basis are excluded from the scope of the Employment of Foreigners Act.

Article 12. The requirements of clauses (a) to (c) are only partially fulfilled. Although there is co-operation with employers' and workers' organisations, this is not the case as regards the declaration and pursuance of the national policy mentioned in Article 10 of the Convention. The requirements of (d) and (e) are also only partially fulfilled. The Act contains some provisions in contradiction with those of Article 10 of the Convention.

On the other hand, the requirements of (f) and (g) may be considered as fulfilled. For many years measures have been taken to encourage the preservation of the workers' cultural and linguistic ties with their countries of origin in the educational facilities for the children of the two major groups of migrant workers on federal territory (Yugoslavs and Turks). Efforts are made to preserve the national and ethnic identity of migrant workers and their cultural links with their countries of origin.

Article 13. Measures are foreseen to facilitate the reunification of families by granting entry visas to the members of families of migrant workers employed in Austria, with due regard for the employment situation in each case. Family members who are in employment and who are lawfully resident in Austria enjoy the same conditions as the migrant workers themselves.

Article 14. Clause (a) of this Article is not generally applied. The rights to free choice of employment and to geographical mobility are subject to the condition that a work permit has been issued for a specific job, with due regard for the employment situation. If, for reasons connected with the employment situation, it is necessary to impose restrictions in certain sectors of the labour market, the work permit may be issued only under conditions restricting freedom of choice.

Free choice of employment assuring migrant workers the right to geographical mobility has been regulated by the introduction of the certificate of exemption, the issue of which is subject to the uninterrupted performance of a job in Austria for a period of eight years or to marriage with an Austrian national and residence on the national territory.

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Clause (b) of the Article is applied to a large extent.

There is at present no possibility of enacting provisions the effect of which would be to apply the Convention as a whole.

RECOMMENDATION NO. 151

Paragraph 2(a). Vocational guidance and placement services are available to all workers free of charge.

Paragraph 2(b) and (c). Foreign nationals and stateless persons have equal access to vocational training with Austrians. However, migrant workers require an authorisation which may be issued only if the apprenticeship situation, the employment situation and trends in the labour market permit. To this extent the provisions of the Recommendation are not applied.

Paragraph 2(e) and (f). The legislative provisions regarding conditions of work and employment security measures are also applicable to migrant workers. The Austrian social security system generally guarantees insurance coverage - which is linked to the job held - whatever the nationality of the person concerned. The number of exceptions to this principle is insignificant. A number of bilateral agreements concluded by Austria provide that nationals of the contracting State shall be assimilated to Austrian nationals.

Paragraph 2(g). It is not the intention to comply with the Recommendation regarding the eligibility of foreigners for office in labour-management relations bodies at undertaking or inter-undertaking level, because this is a political right which is reserved exclusively for nationals.

Paragraph 2(h). Owing to the structure of Austrian co-operatives foreign workers are virtually denied the rights of full membership in any form of co-operative.

Paragraph 2(i). Foreigners are not assimilated to nationals as regards housing and plots of land because home ownership is reserved for nationals and assimilated persons.

Foreigners are assimilated to Austrians for purposes of obtaining subsidised co-operative and rented housing and housing provided by the employer, and for purposes of obtaining loans for housing improvement.

If migrant workers wish to settle in Austria for a long period or permanently, they may apply for and obtain Austrian nationality.

Paragraph 4(a) and (b). The employment market administration has taken measures or promoted initiatives for the publication of information leaflets, the setting up of advisory centres by public or private law institutions, etc. Foreigners have access to the conciliation board and to the arbitration commission and courts as regards social insurance.

Paragraph 5. The Act respecting the employment of foreigners provides for the withdrawal of a work permit in the event of a

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change in the employment situation and for restrictions on the employment of foreigners in geographical areas and occupational branches and for certain periods, depending on the employment situation and trends in the labour market.

Paragraph 7. Persons with a knowledge of the language are placed at the disposal of the major group of migrant workers in Austria in the employment market administration sector and the representative organisations of workers. Language courses are organised by private associations, and cultural events are organised by various institutions.

The Federal Ministry of Social Affairs publishes information bulletins in compliance with the Recommendation and makes them available to placement offices abroad.

Paragraph 8(1). The provision of this Paragraph is applied.

Paragraph 9. Joint councils or commissions have been set up under the Employment Market Promotion Act and the Employment of Foreigners Act, and international agreements have been concluded on social insurance and double taxation.

Paragraph 10. Efforts to follow the suggestions contained in this Paragraph are at present being made by the educational services as regards complementary teaching in schools.

Paragraph 11. The administrative costs connected with the employment of a migrant worker are borne by the employer as regards taxes and dues, administrative formalities for the granting of work permits and the costs of medical examinations.

Paragraph 13. Orders have been issued stipulating that the reunion of families must be treated as a matter of priority when migrant workers are admitted. The subsequent admission of members of migrant workers' families depends on the availability of suitable housing; in addition, they must produce evidence that they are not suffering from contagious diseases. A family member who wishes to obtain employment must be in possession of a work permit issued by the competent labour office.

The housing placed at the disposal of the migrant workers by the employer must also meet legal standards. The "suitable" nature of the housing also depends on national standards regarding the number of family members living with the migrant worker.

Paragraph 16. A work permit is issued for a period of one year at a time, subject to extension, and may be withdrawn at any time. Furthermore, migrant workers' housing needs are taken into account only to the same extent as those of nationals, and they can be assimilated only in the very long term.

Paragraph 17. The fact that the worker takes leave to which he is entitled does not result in the termination of his labour relationship, and the work permit remains valid for the period foreseen. Nevertheless, since the labour relationships of nationals themselves may be terminated during leave, clause (a) of the Paragraph is at present not applied under national regulations.

The right to be visited by their families during the period of their annual holiday with pay is guaranteed to a very large extent

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by the assimilation of migrants to nationals as regards conditions of work and pay, and by the police regulations in force (issue of return visas to foreign workers and the members of their families).

Paragraph 18. No financial assistance is provided towards the cost of travel on leave, since Austrian legislation already provides for "leave pay". The countries of origin allow a 50 per cent reduction on the cost of air travel for their nationals employed abroad and for the members of their families.

Paragraphs 20 to 22. The measures recommended in these Paragraphs are already partially applied by official bodies or other competent institutions (publication of leaflets, checklists and posters on accident prevention, assignment of medical advisers to various branches of activity). Any breach of the legislative provisions regarding workers' protection is punishable by administrative sanctions.

Migrant workers must be medically examined to determine whether they have contagious diseases; additional examinations determine whether they are suffering from diseases or handicaps which are likely to substantially limit their working capacity.

Migrant workers also benefit from special measures for the prevention of occupational health hazards.

Before workers take up their duties for the first time, they must be given occupational safety and health instruction in a manner comprehensible to them. Before being employed for the first time on work with plant or equipment in the undertaking and before being employed for the first time on work involving risks or the use of dangerous substances, workers must be instructed in the way the work is organised, the behaviour to be observed and the precautions either taken or to be taken. Given the legal obligation to instruct workers in a manner comprehensible to them, the employer or his representative must ensure that they fully understand the meaning of the instructions. If there are linguistic difficulties an interpreter must be provided.

Paragraph 23. The social services provided under the social assistance schemes of the Länder are not accessible to foreigners everywhere. Although the majority of Länder make no distinction between foreigners and nationals, others allow foreigners to be assimilated to nationals only on the basis of state treaties and effective reciprocity with the State of origin.

Paragraph 24. The public institutions available to nationals to provide them with information, advice and other services are also used by foreign workers and the members of their families.

Information is not always supplied to workers everywhere in their own language or in a language with which they are familiar. Interpretation services are provided by Land labour offices. In certain Länder the information centres and placement offices co-operate to some extent with public housing services as regards subsidised housing. In Länder which do not possess their own information centres the necessary information may be obtained from the departments of the government of the Land. These facilities are in principle also open to foreign workers. However, these bodies cannot be considered as "appropriate" in the sense of the Recommendation.

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Either party may demand the assistance of an interpreter in court proceedings. This is free of charge only in the case of a penal procedure or in the case of a civil procedure when legal assistance is granted.

Paragraph 25. The extent to which effect is given to subparagraph (1) of this Paragraph is subject to the field of competence of each of the federal ministries.

Paragraph 27. The international social security agreements concluded with a number of States partially apply the recommendations of this Paragraph.

Paragraph 28. Under international agreements on recruitment permanent contacts are maintained with the migrant workers' countries of origin for the exchange of information and experience regarding employment.

Paragraph 30. The relevant Austrian legislative provisions are not in conformity with this Paragraph. Public assistance funds cannot be burdened by large numbers of foreigners who are unable or unwilling to earn their living or to indicate the source of their income.

Paragraph 31. This Paragraph is applied when the migrant worker is entitled to unemployment benefit, throughout the duration of his benefit entitlement.

Paragraph 32. The suspensory effect of an appeal by a migrant worker against the withdrawal of his work permit or his certificate of exemption from a work permit may be recognised.

In the event of an unjustified termination of an employment relationship migrant workers may seek legal redress in the same conditions as nationals.

Paragraph 33. Any foreigner who is banned from residence in the country has the right of appeal. This appeal has a suspensory effect unless an express stipulation has been made to the contrary. Such a stipulation may be made if immediate execution is in the interest of the party or in the general interest. A migrant worker has the right to be represented by legal counsel of his choice and to be assisted by an interpreter if he is not sufficiently familiar with the German language.

Paragraph 34. Workers are assimilated to nationals as regards labour law and social security.

In the event of unavoidable forcible expulsion of foreigners who have formerly been lawfully employed in Austria, the Austrian social insurance scheme must, in the case of nationals of countries with which an international agreement exists, complete a form which is transmitted to the social insurance scheme of the State of origin or, in the event that this is not possible, sent to the worker concerned.

In the case of entitlements which are not included in international agreements, benefits may be transferred following approval by the accident insurance scheme responsible for serving them. This approval is nearly always given, even in cases not covered by Convention No. 19.

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Social security contributions are not reimbursed under Austrian law. Austria has, however, ratified the European Social Security Convention, and 14 international agreements are in force and others are in preparation. These provide for the accumulation of pension insurance periods served successively in contracting States, in so far as they do not overlap, for purposes of entitlement to insurance benefits and the receipt of partial benefits, and for the transfer of the total benefits to beneficiaries in the other contracting State.

It is at present not possible to take measures which would have the effect of securing the full application of the provisions of the Recommendation.

BELGIUM

CONVENTION NO. 143

Act of 22 July 1976 for the amendment of Royal Order No. 34 of 20 July 1967 respecting the employment of workers of foreign nationality and of the Act of 30 June 1971 respecting the administrative fines imposable in case of infringement of certain social laws (Moniteur Belge (MB), 29 Sept. 1976, No. 190, p. 12245).

Royal Order No. 34 of 20 July 1967 (MB, 29 July 1967, No. 144).

Royal Order of 6 November 1967 (MB, 11 Nov. 1967, No. 216, p. 11699).

Royal Order of 7 June 1978 for the administration of Royal Order No. 34 of 20 July 1967 (MB, 30 June 1978, No. 125, p. 7535).

The Act of 22 July 1976 has introduced new legal provisions to facilitate the prosecution of manpower traffickers.

It is now prohibited: to bring into the country or facilitate the entry into the country of persons not of Belgian nationality who are not in possession of a valid work permit (section 3 of the Act); to promise a person not of Belgian nationality, in return for payment in any form whatsoever, to seek or procure a job for him or to carry out the formalities prescribed in this connection; to demand or receive from a person not of Belgian nationality payment in any form whatsoever in return for seeking a job for him or carrying out the formalities prescribed in this connection; to act as an intermediary between a person not of Belgian nationality and an employer or the authorities responsible for the application of the relevant statutory provisions; in acting as an intermediary between an alien and an employer or the authorities, to perform acts calculated to mislead either the alien or the employer or the authorities.

Very heavy punishments in the form of fines or imprisonment are prescribed in the event of infringement of these provisions.

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Administrative fines, which may be imposed in cases where it is not deemed necessary to prosecute, have also been extended to cover the new offences instituted by the Act and have been increased substantially in amount.

A Royal Order of 7 June 1978 has made the employer liable, subject to certain conditions, for payment of the expenses of repatriating workers employed without a permit and any members of their families residing unlawfully with them in Belgium to their country of origin.

Most of the provisions of Part II of the Convention are applied. For instance, permission to be in gainful employment and a work permit will not be granted or may be withdrawn, inter alia: "where the employment does not conform to the requirements with regard to remuneration and other conditions of work applicable to the employment of Belgian workers; where the employer does not comply with his obligations under the laws and regulations with respect to the employment of workers; where the employment is contrary ... either to the laws and regulations or to international Conventions and agreements respecting the recruitment and employment of workers of foreign nationality" (sections 7, 8 and 11 of the Royal Order of 6 November 1967).

Belgium is not in a position to accept certain provisions of Article 14 of the Convention. In some cases migrant workers are allowed free choice of employment only after three or four years of employment covered by a work permit of limited duration.

In view of the economic situation and the high rate of unemployment, the only migrant workers allowed to enter Belgium for the time being - except for the purpose of family reunification - are those whose presence is absolutely necessary in a specified occupation or industry.

However, if a worker to whom the aforementioned provisions are applicable becomes unemployed in the industry for which he was originally engaged and cannot be found alternative employment in that industry, the employment exchanges may procure him a job in another industry.

RECOMMENDATION NO. 151

Migrant workers enjoy equality of treatment with nationals and very great efforts have been made to guarantee them this equality in practice, as well as affording them protection and social assistance where needed.

Great efforts have been made to facilitate their integration and social advancement.

Language courses, most of which are subsidised out of the state budget, are organised by the national, provincial and local authorities as well as by private bodies.

For many years Belgium has pursued a policy of enabling families to be reunited. Within this context the family is limited

CONVENTIONS NOS. 97 AND 143
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to the worker, the worker's spouse and the unmarried children forming part of the worker's household; subject to certain conditions, the expenses for the journey from the country of origin to Belgium of a worker's family coming to join him are wholly or partly reimbursed.

As concerns health protection, the measures applicable to nationals are likewise applicable to migrants.

In nearly every province a reception service has been set up by the provincial or local authorities.

A worker who has obtained a work permit may take up residence in the country and the loss of his employment is not a ground for the immediate withdrawal of his authorisation of residence.

Belgium already applies most of the provisions of the Recommendation, but is not in a position to adapt its laws or regulations in the near future to bring them into line with the Recommendation as concerns the free choice of employment, the learning of the language of the country during paid working time, the regularisation of the position of workers without permits (as regards employment, remuneration, social security and other benefits) and the reunification of families extended to include the worker's parents and children who no longer form part of the family unit.

BENIN

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

In view of the small number of migrant workers in Benin, there are no legislative, administrative or other provisions on the subject.

Although there are hardly any illicitly employed migrants in the country, a certain amount of clandestine migration towards neighbouring countries does occur.

The Government is considering the possibility of taking appropriate measures at the national and international level.

At a meeting of the Committee on Labour of the Organisation of African Unity (OAU) in Mogadiscio (Somalia) in April 1979, Benin raised the question of migrant workers, on which a lively debate was held. An ad hoc committee was set up to study the problem.

This committee, whose members include representatives of Algeria, Benin, Botswana, Tunisia, the Organisation of African Trade Union Unity (OATUU), the General Secretariat of the OAU and the Panafriean Employers Association, among others, will meet in Cotonou in December 1979 to establish the broad lines of a model agreement on migrant workers. The model agreement should enable each member State to clamp down on clandestine migration.

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BOLIVIA

CONVENTION NO. 97 AND RECOMMENDATION NO. 86

General Labour Act.

Act of 14 December 1956 to promulgate a Social Security Code (LS 1956 - Bol. 1).

There are no migratory movements of groups of persons entering or leaving Bolivia in search of work. Consequently, there is no legislation on the subject at present. However, as time passes and the country develops, such legislation may eventually prove necessary.

This does not mean that persons entering the country individually to settle there do not enjoy appropriate guarantees. Once the settlement formalities have been completed, they enjoy all the guarantees and rights recognised by the Constitution. Similarly, if they are regularly employed, they are covered by the country's labour legislation on an equal footing with national workers, inasmuch as, in accordance with Convention No. 19, the General Labour Act and its supplementary provisions and the Social Security Code make no distinction as to nationality, race or religious belief. All workers have equal rights, benefits and duties.

CONVENTION NO. 143 AND RECOMMENDATION NO. 151

See under Convention No. 97.

BOTSWANA

CONVENTION NO. 97

Employment Act, No. 15 of 18 Nov. 1963 (LS 1963 - Bech. 1).

Workmen's Compensation Proclamation.

Trade Unions Act, No. 24 of 28 July 1969 (Government Gazette, Supplement, 1 August 1969, No. 34).

The legislation applies equally to nationals and migrants. The Employment Act 1963 contains provisions on the employment of women and young persons.

Migrants are free to join trade unions provided that when they are employed on managerial, supervisory or administrative grade they will not belong to the same union as the rest of the employees in that trade. This restriction may also be applied to persons employed in confidential work.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

The State cannot guarantee accommodation for migrant workers as there is an accommodation shortage in towns where they are mostly concentrated. However, the employer usually does everything in his power to secure accommodation for the migrant worker.

The Botswana Currency Exchange Control Regulations allow migrant workers to transfer 50 per cent of their annual earnings to their home countries.

The Labour Department is responsible for the administration of the Acts. However the workers' organisation is required to understand and comply with the Trade Unions Act.

No modifications have been made in the national legislation or practice. The present labour legislation covers only a few aspects of the requirements of the Convention and Recommendation. The present economic development of the country (taking rising unemployment into account) is such that it is not possible to legislate along the lines of the Convention and the Recommendation. The Government is making efforts to create employment for the locals and it will not be desirable or in the public interest to attract migrants to take up jobs.

The current practice is that when a foreigner comes into Botswana he has to specify the purpose of his visit and may not change such purpose without authorisation. This means that the migrant worker comes here with a purpose of taking up employment which is already available and may not stay on should he lose his job.

For the reasons stated above, the Employment Service of the Labour Department offers services to nationals only. It is not likely that the policy on migration will change in the near future.

CONVENTION NO. 143

Constitution of Botswana.

Employment of Visitors Act, No. 19 of 17 January 1968 (Government Gazette, Supplement, 8 March 1968 (No. 12)).

Immigration Act, 1966.

The Constitution provides that every individual is entitled to fundamental rights and freedoms whatever his race, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest.

The Employment of Visitors Act 1968 prohibits any visitor from being employed and anybody from employing a visitor unless the visitor is in possession of a visitor's work permit.

The work permit is issued to a named worker to be employed by a named employer in a specified job. It is valid for the period specified therein and may be renewed on request and payment of a specified fee.

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Generally work permits are issued for jobs where there are no qualified locals provided the work permit holder will train a local (if the skill is trainable). Work permit holders therefore have professional qualifications, specialist skills or certain experience in the field in which they are employed. They are not allowed to change the type of employment specified in the permit without authority of the Commissioner of Labour.

The Immigration Act requires that any person entering Botswana (other than those exempted) shall present himself to the nearest Immigration Control Officer. The Act gives an Immigration Officer the power to detain anyone who he suspects to be an illegal entrant for a period not exceeding 14 days as may be required for investigations.

The Department of Labour is responsible for labour inspections to ensure that no foreigners are employed illegally in the country. The Department of Immigration and Passport Control administers the Immigration Act and is responsible for checking on illegal entrants into Botswana as well as immigration control and checks on all non-citizens. Both departments are within the Ministry of Home Affairs.

As the Acts are part of the Botswana laws, their application and enforcement are the responsibility of the Government. However, the Botswana Employers' Federation and the Botswana Federation of Trade Unions are aware of the requirements of the Acts and can submit their observations on the application if they so wish.

The migrant worker cannot be guaranteed security of employment as he is only employed where there are no qualified locals and when there is someone willing to employ him. As he is expected to train a local during the validity of his permit, the job may have to be localised if the citizen qualifies.

Botswana labour market is characterised by an overflow of unskilled manpower and shortage of employment opportunities. Statistics show that in the next few years unemployment will even go higher. It is therefore almost impossible to provide migrant workers with alternative employment.

For the reason stated above the migrant worker cannot be admitted for training either during the validity of his permit or when he has lost employment.

BRAZIL

RECOMMENDATION No. 86

The Government refers to earlier reports on this instrument.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

CONVENTION No. 143

Decree No. 81663 of 16 May 1978 (Diário Oficial, 17 May 1978).

There are in Brazil no laws or regulations relating to the subject-matter of the Convention.

Migration is exclusively internal. The national legislation does, however, contain provisions respecting foreigners who come to Brazil to work on either a permanent or a temporary basis. Such workers are not migrants, but immigrants, and they enjoy the same rights as national workers under the Constitution.

The Immigration Secretariat is responsible for directing, coordinating and controlling activities related to the immigration policy of the country.

RECOMMENDATION No. 151

See under Convention No. 143.

BYELORUSSIAN SSR

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Constitution of the USSR and Constitution of the Byelorussian SSR.

Fundamental principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Labour Code of the Byelorussian SSR of 23 June 1972.

Fundamental principles governing the civil legislation in the USSR and the Union Republics.

Civil Code of the Byelorussian SSR.

Fundamental principles governing the civil legal procedure in the USSR and the Union Republics.

Code of civil legal procedure of the Byelorussian SSR.

Fundamental principles governing the public health legislation of the USSR and the Union Republics, dated 19 Dec. 1969 (Vedomosti Verkhovnogo Soveta SSR, 1969, No. 15, Text 313).

Public Health Law of the Byelorussian SSR.

Consular Regulations of the USSR, approved by Decree dated 26 June 1976.

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Fundamental principles governing the national educational legislation of the USSR and the Union Republics, dated 19 July 1973 (Vedomosti, 25 July 1973, No. 30, Text 392).

National Education Law of the Byelorussian SSR.

In the Byelorussian SSR there are no "migrants for employment" in the sense used in the ILO instruments. There are some foreign citizens employed in establishments of the Byelorussian national economy as well as in undertakings established by the USSR jointly with other countries. Some foreigners reside permanently in the Byelorussian SSR and accordingly enter into employment. However, these people came not for the purpose of obtaining work but as a result of personal ties and contacts (marriage, joining relatives, etc.) and, consequently, are not "migrants for employment".

Co-operation between the USSR and foreign countries has resulted in a growing number of foreign citizens coming to the Byelorussian SSR to work on a temporary basis within the framework of the relevant international agreements. Their rights are governed either by the law of the sending country, the laws of the sending and host countries, or by special international agreements or the internal regulations of the relevant international organisations. These persons are not "migrants for employment" either.

The general regulations governing the employment of foreign citizens are contained in the legislation listed above. The current labour legislation and practice gives foreign citizens equal rights with citizens.

The Constitution (article 35) lays down that citizens of other countries and stateless persons are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other state bodies for the protection of their personal, property, family and other rights. The basic rights and freedoms are enshrined in Chapter 6 of the Constitution.

The effective application of the legislative standards is ensured through the established system for supervising observance of the legislation and particularly the labour legislation.

In view of the above legislation and practice, no changes are needed in connection with the instruments.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

UNITED REPUBLIC OF CAMEROON

RECOMMENDATION NO. 86

Law No. 74-14 of 27 November 1974, instituting the Labour Code (Official Gazette of the United Republic of Cameroon (OG), 5 Dec. 1974, No. 4 (Supplementary), p. 113) (LS 1974 - Cam. 1).

Decree No. 74-583 of 11 June 1974: entry, residence and exit of aliens (OG, 15 June 1974, No. 12, p. 1265).

Co-operation agreement on manpower between the Gabonese Republic and the United Republic of Cameroon, ratified by Decree No. 77-125 of 6 May 1977 (OG, 15 May 1977, No. 10, p. 999).

Although there is no national legislation specifically dealing with migrant workers, certain aspects of this Recommendation are covered by the provisions cited above or by national practice.

Under the terms of section 31 of the Labour Code, it is possible to recruit migrant workers in Cameroon provided that their contracts of employment are visaed in advance by the Ministry of Labour; these provisions are consistent with those of Paragraph 14 of the Recommendation.

The Ministry of Labour is responsible for the application of the laws and regulations dealing with labour matters.

RECOMMENDATION NO. 151

Decree No. 78-137 of 2 May 1978.

The Government accepts the terms of Recommendation No. 151.

COLOMBIA

CONVENTION NO. 97

National Constitution.

Substantive Labour Code.

Decree No. 062 of 16 January 1976 for the administrative reorganisation of the Ministry of Labour and Social Security.

Decree No. 1650 of 18 July 1977.

Act No. 22 of 1979.

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Decision No. 116 of the Commission of the Cartagena Agreement approving the Andean Instrument on Labour Migration.

Decision No. 113 of the Commission of the Cartagena Agreement approving the Andean Instrument on Social Security.

Article 2 of the Convention. Decree No. 062 of 1976 assigns to the Migration Section of the General Directorate for the National Employment Service the tasks of regulating and supervising the transfer of Colombian workers abroad and facilitating their return; considering together with the Ministry of Foreign Affairs policies with respect to the entry of foreign workers into the country; carrying out and keeping up to date a census of the foreign workers in the country, and instituting a work book for foreign workers in the country.

Article 3. The State supervises the issuance of propaganda with respect to migration.

Article 4. Colombia has subscribed to, embodied in its legislation and implemented Decision No. 116 of the Commission of the Cartagena Agreement relating to the Andean Instrument on Labour Migration, which provides that the labour migration offices of the member countries shall co-operate closely with a view to securing the most effective possible application of this instrument, co-ordinate and harmonise as far as possible the procedures relevant to the performance of their functions and exchange information on migration at regular intervals.

The Substantive Labour Code regulates recruitment for work abroad by means of sections 57 and 72.

Article 5. There are no medical services specifically catering for migrant workers, but employers must concern themselves with the health of migrant workers, this being provided for in their contracts of employment; furthermore, every migrant, worker or not, must comply with the minimum health standards laid down by the immigration office of the country in question.

Article 6. As concerns the matters dealt with in this Article of the Convention, there is legislation which, while limited in scope, does partly guarantee compliance with these provisions. Under the National Constitution foreigners enjoy the same civil rights as Colombians, as well as the guarantees afforded to nationals, subject to such limitations as are established by the Constitution or the law.

Furthermore, the Substantive Labour Code applies throughout the territory of the Republic to every inhabitant, irrespective of nationality (section 2). By virtue of this provision, immigrant workers benefit from the treatment indicated in clauses (a), (b), (c) and (d) of paragraph 1 of this Article of the Convention in accordance with the standards prevailing in the country in these respects.

Article 7. The General Directorate for the National Employment Service of the Ministry of Labour and Social Security offers services through its agencies entirely free of charge.

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Article 8. Under Colombian legislation illness contracted by a migrant worker is not deemed to be a ground for returning him to his country of origin, especially as it is not a ground for terminating his contract of employment either.

Article 9. There is no restriction on the transfer by migrant workers of money they have earned to their country of origin or any other place of their choice.

Article 10. Applicable here is Decision No. 116 approving the Andean Instrument on Labour Migration, which provides for the regulation through special procedures of the transfer of groups of migrant workers from one member country to another.

Article 11. Decision No. 116 with respect to labour migration defines a migrant worker as "any national of a member country who moves to the territory of another member country for the purpose of performing personal services in a subordinate capacity".

RECOMMENDATION NO. 86

Part II of the Recommendation

Being a country with a high rate of unemployment, Colombia does not offer job opportunities of such nature as to attract skilled labour from elsewhere; the flow is almost entirely from Colombia to other countries.

Parts III, IV, V, VI and VII

The Migration Section of the General Directorate for the National Employment Service and the Ministry of Foreign Affairs are the government departments responsible for providing the necessary information on migration as well as performing the functions pertaining to each ministry in connection with migration.

The functions assigned to the Labour Migration Office in pursuance of Decision No. 116 approving the Andean Instrument on Labour Migration include the implementation of the labour migration policy of its country, participation, in the manner prescribed in the Instrument, in negotiations and in the recruitment, placement and protection of migrant, frontier and seasonal workers with a view to avoiding in particular intervention by intermediaries or other persons between employer and worker, and the providing of information to workers, on a regular basis and by the most appropriate means, about the requests for labour it receives from the labour migration offices of other member countries.

As concerns living conditions, Chapter IV of the Andean Instrument in question contains provisions applicable to all migrant workers.

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Articles 5 and 6 of the Convention. There is no special legislation providing for the punishment of manpower traffickers.

Article 7. The National Labour Council, which is a tripartite body, is the organ of the national Government responsible for considering all matters relating to the labour legislation and any changes to be made in it.

Article 8. The date of expiry of a visa granted to a migrant worker coincides, subject to a tolerance margin, with the date of expiry of his contract of employment.

At times when the employment market can absorb the national labour force and the supply of jobs exceeds the demand, it is possible for migrant workers, upon completion of their contract of employment, to obtain alternative employment and a consequent extension of their visa, but this does not mean that if no jobs are available due to unemployment in the country they will be thrown out; they will simply be afforded all possible co-operation to facilitate their return to their country of origin.

Article 12. There is nothing to prevent groups of migrant workers from observing the native customs of their country of origin, nor from speaking their own language, practising their religion, etc., so long as they observe and comply with the laws of the country.

Article 13. The Substantive Labour Code facilitates the mobility of migrant workers and their families, in accordance with the provisions of section 72.

Article 14. A subregional study is being carried out at the level of the Andean Group with a view to determining manpower needs so as to preserve national employment levels and channel the migratory flow along rational lines on the basis of accurate figures on interchanges for employment purposes.

See also under Convention No. 97.

RECOMMENDATION NO. 151

Paragraph 1 of the Recommendation. In this connection Colombia is implementing the Labour Migration Project; in addition, as far as the Andean Group is concerned, various recommendations have been made by meetings of the ministers of labour of the subregion.

Part I. When an economico-social policy or strategy is approved it is applicable to the entire population residing within the national territory.

Parts II and III. Through the labour migration policy and Project Col/72/027 migration has been regulated and channelled from a socio-economic standpoint, aiming basically at conditions such as to permit of full employment of the rights and conditions to which migrant workers should be entitled in the performance of their work.

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CONGO

CONVENTIONS NOS. 97 AND 143

Act No. 45-75 of 15 March 1975 to promulgate a Labour Code (Journal officiel, 17 March 1975, Special Issue).

Fundamental Act of 5 April 1977.

Administrative provisions apply to all the matters covered by Conventions Nos. 97 and 143. The Labour Code and Fundamental Act provide employment guarantees without discrimination for all workers regardless of nationality.

RECOMMENDATIONS NOS. 86 AND 151

See under Conventions Nos. 97 and 143.

CUBA

CONVENTION NO. 143

Constitution of the Republic of Cuba.

Act No. 1312, dated 20 September 1976, in respect of migration (Gaceta Oficial (GO), 24 September 1976, No. 19).

Act No. 1313, dated 20 September 1976, in respect of the status of aliens (GO, 24 September 1976, No. 19).

Act No. 1323, dated 30 November 1976, regulating the structure and functions of the central administration of the State.

The provisions of the Constitution which establish certain rights, general conditions of work and social security benefits for workers in Cuba make no discrimination among those who work, regardless of their national origin or citizenship.

In general it can also be said that the Cuban legal system as regards labour and social security matters is applied without any discrimination to all persons who work and thus contribute to the national economy and the collective good.

Acts Nos. 1312 and 1313 of 1976, dealing respectively with migration and the status of aliens, have recently been promulgated and brought into force. The adoption of this legislation has responded to the need and desirability of modernising national provisions on migration and the status of aliens, guaranteeing the

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rights and situations in accordance with economic changes within the country, the development of its international relations and compatibility of these standards with other provisions of the legal system. It should be pointed out that this legislation establishes provisions and administrative measures ensuring the prevention of illicit movements of migrants for employment and the unauthorised employment of foreigners and persons without citizenship.

Nevertheless, it must be repeated that for several years there has been no migratory movement of workers towards Cuba. Nor is our country now a source of migrant labour.

The authorities are the Ministries of Foreign Affairs and of the Interior and the State Committee on Labour and Social Security. The natural changes in the pattern of the working population in Cuba, from which it can be said that the migrant worker category has gradually been disappearing as well as the foreigners who used to settle here to work, and the existence of new working arrangements are the reasons why the instrument has not been ratified.

RECOMMENDATIONS NOS. 86 AND 151

See under Convention No. 143.

CYPRUS

RECOMMENDATION NO. 86

Aliens and Immigration Law (Cap. 105) and Regulations.

Citizens of the Republic (Temporary Exit Regulations) Law No. 49/74.

Aliens and Immigration (Amending) Law No. 54 of 1976.

The service responsible for assisting migrant workers and their families and for supplying them with information referred to is the Migration Department of the Ministry of the Interior, which offers advice and assistance to all migrant workers who apply to it, and has issued a leaflet containing information regarding the entry to and stay of migrants in Cyprus. Efforts are made to ensure that there is a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration for employment is permitted.

There being no immigrants to Cyprus other than professionals and highly skilled technicians with high salaries, there is no need for special measures to ensure that they are provided with accommodation, food and clothing, or undergo vocational training. The prospective employer of a migrant is normally expected to secure suitable accommodation for him and his family. Foreign nationals working in Cyprus may remit to their home country or to any other country their net earnings. Under the exchange control regulations

all transfers outside Cyprus require approval. Persons wishing to migrate permanently from Cyprus are allowed to transfer to the country of immigration a sum of C£5,000 and personal effects and other belongings up to the amount of C£3,000 on their departure and, thereafter, a sum of C£1,000 per calendar year.

Migrants and members of their families have free access to all the schools which function in the Republic and to recreation and welfare facilities.

There is no group immigration to Cyprus. With respect to group emigration and especially the Agreement concluded between the Cyprus Government and the Czechoslovak Socialist Republic for the temporary employment of Cypriots in that country, a special provision was included providing for free medical care under the same conditions as Czechoslovak workers.

The Constitution recognises the right of everyone to leave Cyprus subject to reasonable restrictions imposed by law. Until 1974 there were no restrictions. However, as a result of the abnormal situation created by the Turkish invasion and occupation of 40 per cent of the island's territory, the Citizens of the Republic (Temporary Exit Restrictions) Law No. 49/74 was enacted, under which males between the ages of 15 and 50 cannot leave the territory without an exit permit. The categories of persons entitled to exit permits are specified by the Law, and include workers who are unemployed and for whom employment opportunities in Cyprus are not readily available.

Every intermediary who undertakes the recruitment of Cypriots for employment abroad is required to submit a written authorisation from the employer on behalf of whom he is acting.

A copy of the contract of employment of every Cypriot worker wishing to take up employment abroad must be submitted to the Ministry of Labour and Social Insurance, who must be satisfied that the terms and conditions of employment offered are satisfactory.

The reunion of the family of a migrant worker is not subject to any restrictions provided that he has been lawfully admitted and is lawfully employed in the island. Apart from the wife and dependent children of the migrant, the Government takes into account other close relatives provided that they are wholly dependent on him for their maintenance and support.

The employment of aliens in Cyprus is governed by the legislation and regulations mentioned above. An employment permit is granted on a temporary basis and is restricted to those aliens who possess qualifications and/or experience not available in Cyprus. Such employment opportunities are mainly open to highly qualified and experienced persons in the professional, technical and managerial occupational categories who, in general, enjoy more favourable terms and conditions of employment than most nationals.

When an alien wishes to take up employment in Cyprus the employer in Cyprus submits, together with the proposed contract of employment, an application to the Migration Officer for the issue of an employment permit. The application is also examined by the Ministry of Labour and Social Insurance. Special attention is given

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to the terms and conditions of employment set out in the contract of employment. The permit must be secured before the alien's arrival in Cyprus. The prospective employer is required to bear all travelling expenses from and to Cyprus. An employment permit is usually valid for one year and for the job for which the permit was issued. Any change of employment or employer by the migrant is considered as a new application. Renewals, if approved, are of yearly duration. A migrant worker who has been living and working in Cyprus for a continuous period of five years may apply for naturalisation.

In view of the nature of immigration, it is highly unlikely that the need will arise to remove a migrant worker on account of lack of means or the state of the employment market.

Employers' and workers' organisations are, as a matter of policy, consulted unfailingly in all labour and social matters, and hence also on the recruitment, introduction and placing of migrant workers.

Public assistance is offered to every person lawfully residing in the Republic whose income and resources do not suffice for his needs without any condition concerning his previous residence. The payment of unemployment benefit is subject to contribution conditions.

The only bilateral agreements signed so far were with the Governments of Czechoslovakia, Bulgaria and Libya for the temporary employment of Cypriot workers abroad. In drafting these agreements care was taken to afford migrant workers the greatest possible protection. They contained a number of provisions similar to those contained in the model agreement annexed to the Recommendation.

The Department of Migration of the Ministry of the Interior is entrusted with the supervision of the application of the legislation and regulations concerning aliens and immigration. It co-operates closely with the Ministry of Labour and other government departments on matters which fall within their field of competence.

The provisions of the Recommendation are sufficiently covered by national legislation and/or practice and therefore it is not intended to take any measures to give effect to its provisions.

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See also under Recommendation No. 86.

Employment permits are restricted to migrant workers who possess qualifications and/or experience not available in Cyprus, account being taken always of the employment situation and the economic needs of the island.

Up to 1974, the policy of Government was not to encourage the employment of Cypriots abroad. However, the mass unemployment which was created as a result of the occupation by the Turkish army in July 1974 of 70 per cent of the island's productive resources forced the Government of Cyprus to promote on a temporary basis the employment of Cypriots abroad, mainly with Cypriot employers who have undertaken contracts abroad.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Migrant workers and members of their families lawfully residing in the Republic enjoy equality of opportunity and treatment with nationals in respect of all the matters referred to in subparagraphs (a)-(i) of paragraph 2 of this Recommendation. Existing constitutional provisions, legislation, administrative regulations and practice, as well as collective agreements, do not discriminate between nationals and non-nationals in respect of the principles set forth in paragraph 2 of the Recommendation. In addition, the contract of employment of an alien is subject to prior approval by the Ministry of Labour and Social Insurance so as to ensure that the terms and conditions of employment set out in this contract are not less favourable than what is offered to nationals. Employers' and workers' organisations have the role of co-operating to promote the acceptance and observance of the above legislation and regulations.

Aliens have access to the same established procedures and remedies as nationals. However, to date, no complaints of a serious nature concerning non-observance of the said principles have been made. The lawful exercise of rights enjoyed in pursuance of these principles cannot be the cause for non-renewal of a residence permit. Moreover, in accordance with section 14(a) of the Aliens and Immigration Law, migrant workers can only be expelled if they endanger national security or offend against public interest or morality.

Free choice of employment is not made subject to the conditions referred to in paragraph 6(a).

However, an employment permit is valid for the job for which it is issued and a change of either the employment or the employer by the worker is treated as a new application. The fact that the work permit is issued for a particular job with a specific employer does not prejudice the worker's right to geographical mobility. Permanent jobs in the civil service are restricted to citizens. No regulations have been made concerning the recognition of occupational qualifications acquired outside Cyprus.

Agreements concerning the collective recruitment of workers have only been concluded for the temporary employment of Cypriots abroad. Appropriate measures were taken to provide information to the workers, especially concerning the socio-economic environment of the receiving country.

In accordance with section 18(1) of the Aliens and Immigration Regulations the question whether the position of an immigrant should be regularised or not should be dealt with within one month. Migrant workers whose position has been regularised benefit from all rights which are provided for migrant workers lawfully within the Republic. They enjoy equality of treatment for themselves and their families. In such a case the position of an immigrant is the same as that of a national, i.e. he has access to the same procedures and is entitled to the same remedies. The deportation costs of migrant workers and their families are borne by the Cyprus Government.

Government labour and social policy is dictated by the aim to achieve the ultimate goal of social justice, in conditions of economic freedom and political democracy. This policy extends to aliens admitted for employment. These aliens are of a limited

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number, mostly professionals, and coming mainly from the United Kingdom and Greece. Hence, no problems of adaptation arise and, for the time being, there is no need for the formulation and adaptation of specific social policy measures relating to migrant workers.

There are no restrictions whatsoever concerning a migrant worker's right to visit the country of residence of his family or to be visited by his family during his holiday. As regards family reunion, see under Recommendation No. 86.

Migrant workers enjoy equality of treatment with nationals concerning health risks and protection at the place of work. All safety laws, regulations and rules are applicable to all workers without discrimination based on nationality or other grounds. The main provisions of this legislation, as well as the provisions of collective agreements, are available both in Greek and in English. The foreign workers employed in Cyprus being familiar with either of the two languages, the provisions of paragraphs 20 and 21 of the Recommendation are fully complied with.

Social services in Cyprus are freely available to migrant workers and their families under the same conditions as to nationals. Co-operation and co-ordination between social services in Cyprus and those in other countries is promoted through bilateral agreements and the International Social Service. Such co-operation is being promoted by the Government, especially with countries where substantial numbers of workers are involved. Representatives of employers and workers are always consulted on matters of social policy, including the organisation of social services.

To date, no migrant workers have been expelled from Cyprus on account of lack of means. It is the exception for a migrant worker in Cyprus to lose his employment. Nevertheless, if this does occur for reasons beyond his control and, provided that he applies again to the appropriate government department, he could be allowed and assisted to find suitable alternative employment. A migrant worker is entitled to draw unemployment benefit if he fulfils the contribution conditions, until he finds alternative employment. A migrant who has lodged an appeal against the termination of his employment is allowed sufficient time to obtain a final decision thereon. If it is established that the termination of employment of the migrant worker was unjustified, he is entitled to the same compensation and other benefits as nationals.

Migrant workers cannot be expelled unless they endanger national security or offend against the public interest or morality. Recourses open to a foreigner whose expulsion is ordered are, in the first place, by way of appeal to the Council of Ministers under the proviso to Regulation 6(4) of the Aliens and Immigration Regulations. This leads to an administrative review. Secondly, a foreigner has a right of recourse to the Supreme Court under Article 146 of the Constitution which, if granted, results in the annulment of the expulsion order which is an administrative act. The Supreme Court has power to issue a provisional order for the stay of an administrative act, and in practice the administration either consents to the granting of such an order or furnishes an undertaking not to proceed with the expulsion until the determination of the recourse.

The position of a migrant who leaves his employment is the same as that of a national in respect of the matters referred to in paragraph 34 of this instrument.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

The provisions of the Recommendation are sufficiently covered by national legislation or practice and therefore it is not intended to take any measures to give effect to its provisions.

CZECHOSLOVAKIA

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Labour Code (Act No. 65 of 16 June 1965): consolidated text of 1975 (Sbírka Zákonů (SZ), 18 June 1975, No. 16, Text 55) (LS 1975 - Cz. 2).

Act No. 97 of 1963 respecting international private law and procedure.

Act No. 121 of 12 November 1975 respecting social security (SZ, 14 Nov. 1975, No. 28, Text 121).

Act No. 54 of 30 November 1956 respecting the sickness insurance of employees (SZ, 17 Dec. 1956, No. 29, Text 54) (LS 1956 - Cz. 3B).

Act No. 88 of 27 June 1968 respecting the extension of maternity leave and the grant of children's allowances (SZ, 1 July 1968, Text 88) (LS 1968 - Cz. 2).

Act No. 20 of 17 March 1966 respecting the medical care of the population (SZ, 30 Mar. 1966, No. 7, Text 20).

Notification No. 42 of 13 June 1966 respecting the provision of preventive medical care (SZ, 24 June 1966, No. 16, Text 42).

The number of foreign workers employed in Czechoslovakia is very limited, and as a rule their employment is governed by bilateral agreements. This is not migration in the usual sense of the term, but a form of economic co-operation between two socialist countries primarily for the purpose of affording to foreign workers employed in Czechoslovakia for a limited period (normally not exceeding four years) the opportunity to acquire or improve vocational skills with a view to enhancing their social status in their own countries.

The above-mentioned ILO instruments cannot be applied in Czechoslovakia. Most of the legislative provisions fall within the purview of the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

Under the terms of section 7 of the Labour Code, aliens and stateless persons may be parties to an employment relationship if they have been granted permission to reside in the Czechoslovak Socialist Republic.

Save as otherwise provided by international private law, relationships established in virtue of labour law between foreign

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workers and national undertakings are governed by the Labour Code (section 6, subsection 1).

Section 16, subsection 1, of Act No. 97 of 1963 respecting international private law and procedure stipulates that relationships deriving from a contract of employment shall be governed - save as otherwise agreed by the signatories - by the legislation of the place where the worker is employed.

Aliens employed in Czechoslovakia have the same rights and the same obligations as Czechoslovak nationals. The sole exception is provided for in section 42, subsection 3, of the Labour Code, in accordance with which the employment relationship of an alien or stateless person - in so far as it has not already been terminated in any other manner - is terminated:

- (a) on the date on which his residence in the territory of the Czechoslovak Socialist Republic is required to cease in virtue of an enforceable decision depriving him of permission to reside there;
- (b) on the date on which a judgement imposing a penalty of expulsion upon him becomes final (in virtue of section 57 of the Penal Code, Act No. 140 of 1961, as worded in the text published as No. 113 in 1973).

The Social Security Act, No. 121 of 1975, and the regulations for its administration make no distinction between Czechoslovak nationals and aliens. Sole exception: section 10, subsection 2(b), of the Act, which stipulates that - save as otherwise provided by an international agreement - only the periods mentioned under (a), (d) and (f) of subsection 1 are to be taken into account in calculating the duration of service abroad for the purposes of the acquisition or extension of entitlement to a pension, and then only if the employee, at the time of acquiring such entitlement, has been residing continuously on Czechoslovak territory and, if he is an alien, has been in employment in Czechoslovakia for not less than ten years.

Save as otherwise provided by an international agreement, social security benefits are not payable outside Czechoslovakia (either to aliens or to Czechoslovak nationals) and lapse throughout any period spent by the beneficiary outside the country (section 69 of the aforementioned Act). There is no difference in treatment between aliens employed in Czechoslovakia and nationals as concerns the payment of sickness benefits, maternity leave and maternity benefits.

Under section 20 of Act No. 88 of 1968, family allowances for dependent children (Czechoslovak or foreign) are payable only if these children are resident in Czechoslovakia. Family allowances are payable in respect of dependent children living abroad if an international agreement has been concluded to this effect.

Foreign nationals in an employment relationship or belonging to a co-operative and the members of their families are entitled to medical care (both curative and preventive) on the same terms as Czechoslovak nationals, with the exception of medicinal bath treatment, which may be prescribed for them only if they are resident in Czechoslovakia (section 66, subsection 1, of Notification No. 42 of 1966).

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In the social policy field the Czechoslovak Socialist Republic has concluded agreements with Bulgaria, France, the German Democratic Republic, Hungary, Poland, Romania, Switzerland, the USSR and Yugoslavia.

The employment of foreign workers is regulated by means of a contract of employment, in writing, between a foreign worker and a Czechoslovak undertaking, in the Czech or Slovak language and in the language of the worker's country. The contract must state the most important rights and obligations of both parties. The principle whereby foreign workers have the same rights as Czechoslovak nationals guarantees them adequate living and working conditions.

Bearing in mind that foreign workers live far away from their families (save in exceptional cases) for a long period, special attention is paid to the standard of their accommodation, food, cultural facilities and physical education; sports facilities are at the disposal of foreign workers. A substantial effort is made to reduce the number of persons accommodated in the same room and to provide dwellings with comfortable amenities.

Undertakings are required to provide foreign workers with a main meal (at mid-day) every day at a reduced price, plus breakfast and supper; in addition they must supply them with food of the same quality as that served at the undertaking on Saturdays and Sundays.

Workers from hot regions are customarily issued with winter clothing free of charge.

Foreign workers must be informed about the occupational safety rules in a language they can understand.

A worker's travel expenses to visit his family and take a holiday with pay must be met by the undertaking in a proportion to be agreed upon in advance, taking into account the distance from the home country and cost involved, as well as the possibilities existing within the framework of the total cost. The duration of the paid leave is in principle the same as that to which a worker is entitled if he has been in employment since the age of 18 years without interruption (section 101, subsections 2 and 3, of the Labour Code).

Foreign workers must undergo a medical examination in their country of origin.

Vocational training courses, culminating in a final examination, include apprenticeship courses and range up to the improvement of skills on the job for workers who have already become qualified in their occupation before arriving in Czechoslovakia. Training begins with the imparting of the basic principles of the Czech or Slovak language.

Save as otherwise agreed between the trade union organisations, foreign workers have the right to become members of the national trade union organisation (the Revolutionary Trade Union Movement) on the same terms as Czechoslovak nationals, including the right to participate in elections as a voter or candidate.

This entitles them to free legal aid and gives them access to facilities and amenities for the purpose of cultural activities, sports, leisure, recreation, etc.

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Courses and seminars are organised to acquaint foreign workers with the occupational safety and health rules, and they are given publications in the language of their country on the problems of the trade union movement. Their employers pay them a compensatory indemnity when such workers attend an education course or seminar, including courses and seminars organised by a trade union organisation.

The Polish trade union organisation and the Central Council of Czechoslovak Trade Unions have concluded a special agreement under which Polish trade union sections of from 3 to 5 members have been set up in undertakings employing more than 15 Polish workers who are members of the Czechoslovak Revolutionary Trade Union Movement; their task is to protect the specific interests of Polish workers. The chairman of an undertaking's Polish trade union section may be elected to the committee of the works trade union organisation; if he has not been elected, he may be invited to attend meetings of the committee in an advisory capacity. The committee of the works trade union organisation and the district trade union committee are required to discuss questions relating to Polish workers twice a year and to arrange for a representative of the Polish trade union section to be present at arbitration board hearings when one of the parties to the dispute is Polish. The Polish trade union section is required to perform all the functions of a trade union (accommodation, food, etc.), and is allowed to express its opinion in cases of disciplinary action, etc.

Matters relating to the employment of foreign workers lie within the competence of the Czechoslovak Federation of the Czech Socialist Republic and the Slovak Socialist Republic.

The Revolutionary Trade Union Movement is competent to deal with sickness insurance benefits. It has opened a special agency for this purpose (Sickness Insurance Administration).

The supervision of the employment of foreign workers is entrusted to the Federal Ministry of Labour and Social Affairs and the Ministries of Labour and Social Affairs of the Czech and Slovak Socialist Republics, with the participation of the Ministries of Education and Health of the Czech and Slovak Socialist Republics and the organisations of the Sickness Insurance Administration.

The Government does not contemplate ratifying Conventions Nos. 97 and 143. The guaranteeing of the labour and social rights of foreign workers in Czechoslovakia is ensured by Czechoslovak legislation, which is in harmony with the aforementioned instruments.

DOMINICAN REPUBLIC

CONVENTION NO. 97

Labour Code.

There is a collective and seasonal influx of Haitian immigrant workers, who come to the Dominican Republic for the sugar-cane

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harvest under a bilateral agreement between the two Governments. For the rest, immigration is extremely limited and on an individual basis.

The number of Haitian workers entering the country, which varies each year according to the demand for manpower, ranges from 9,000 to 12,000 during the harvest season. The agreement on Haitian workers guarantees full employment, an equal salary with nationals, social security, accommodation, transport to their place of work and repatriation, etc. During their stay in the country, which is normally between five and six months a year, the living conditions of the workers correspond on the whole to those of the lower-income groups but are much better than their usual conditions.

The Dominican authorities take steps to provide Haitian workers with such information as they may require and provides them with assistance so as to ensure that their stay in the country conforms to the conditions specified at the time of their recruitment.

Dominican nationals emigrating in organised groups to work in Venezuela do so under an agreement with the International Committee for European Migration (ICEM), once the necessary recruitment formalities have been completed and the workers have been duly informed of conditions of remuneration, transport, accommodation, repatriation, etc. The workers must present a medical certificate testifying that they are physically and mentally fit for the job and undergo a medical checkup at the work centres.

Individual migration of Dominican citizens to the United States also takes place without any intergovernment agreement. An estimated 300,000 Dominicans are currently living in the United States.

Before entering the Dominican Republic, Haitian nationals undergo a medical examination which is subsequently followed up by the public health and social security units.

Travelling arrangements for Dominican nationals leaving for Venezuela and for Haitian nationals entering the Dominican Republic are normally on an individual basis, that is to say without the workers' families.

Immigrants enjoy the same treatment as Dominican nationals in respect of remuneration, hours of work, overtime, minimum age, membership of union organisations and the advantages afforded by collective contracts, such as accommodation, protection against employment injuries, occupational diseases and sickness and all other forms of social security, due account being taken of the limitations imposed by the temporary nature of their recruitment.

The National Employment and Unemployment Record Service offers free assistance to nationals and foreigners alike, without any form of discrimination. Facilities exist for immigrant workers to transfer their earnings abroad.

See also under Convention No. 143.

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CONVENTION NO. 143

The labour laws apply to Dominicans and foreigners without distinction, save in so far as exceptions are permitted under international agreements (Principle III, Labour Code).

Part I. Migrations in abusive conditions

Article 1: This Article is fully applied in the Dominican Republic.

Article 2: With the minor exception of workers recruited for cutting sugar-cane during the harvest who leave the job for which they were specifically employed under bilateral arrangements between the Dominican and Haitian Governments, there are no illegally employed migrant workers nor any movements of migrant workers into or out of the Dominican Republic, in contravention of the relevant international multilateral or bilateral instruments and agreements or of national laws and regulations. It does happen that individuals or small groups of persons travel to North America and Venezuela as tourists and remain longer than authorised. The Dominican authorities and those of the countries referred to are adopting appropriate measures to discourage this practice and are taking legal proceedings against the guilty parties.

Excellent channels exist for consulting employers' and workers' organisations.

No migrant worker legally residing in the country for purposes of employment is considered to be in an illegal or irregular situation or to be liable to having his residence or work permit withdrawn by the very fact of having lost his job. Migrant workers enjoy equal treatment with nationals, and specifically as regards guarantees in respect of security of employment, change of employment, measures to reduce unemployment and retraining.

Article 9: National practice is in accordance with the provisions of this Article.

Part II. Equality of opportunity and treatment

Article 10: Apart from the seasonal workers from Haiti recruited under an intergovernment arrangement on a collective basis, who remain in the country for five to six months a year during the sugar-cane harvest and are bound by the conditions of their contract (within the limits of Article 10 of this Convention), very few other migrants enter the Dominican Republic; these few arrive on an individual basis and enjoy equality of opportunity and treatment in respect of their employment and occupation, social security, trade union and cultural rights and individual freedoms, though of course within the limitations imposed by each country in conformity with international agreements.

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EGYPT

CONVENTIONS NOS. 97 AND 193
RECOMMENDATIONS NOS. 86 AND 151

Constitution of 11 December 1971.

Act No. 50 of 1978.

The right to emigrate and to work abroad is one of the fundamental rights embodied in the Constitution.

The State is responsible for the protection of its nationals who have emigrated or are working abroad; it ensures that national workers wishing to emigrate are not exploited.

The Government is endeavouring to formulate a global policy with respect to emigration and work abroad that makes the best possible use of human resources.

Emigration is interpreted as meaning the departure of a citizen from Egypt with the intention of settling and residing in any foreign country on a permanent basis; work abroad is taken to mean the departure of a citizen to a foreign State with the intention of working there for a period of at least three months before returning to Egypt.

The Emigration Department of the Ministry of Manpower and Vocational Training is the competent authority for all administrative measures respecting emigration and work abroad. The Department is responsible for providing emigrants and persons working abroad with such information as they may require on the States in which they intend to settle or work, such as working and living conditions, cost of living and so on.

In countries where there is a large Egyptian labour force, the Emigration Department makes arrangements for their protection through the embassy staff. People wishing to emigrate receive appropriate vocational and linguistic training in order to prepare them for their new living and working conditions.

A Bill has been introduced to regulate emigration and labour abroad which provides for the setting up of a Committee on Emigration and Work Abroad. The Committee will be chiefly responsible for framing policies within the framework of the national manpower policy, co-ordinating the activities of bodies concerned with questions of migration and work abroad, examining the facilities and advantages available to emigrants and simplifying administrative measures. Where there is large-scale migration, the Government endeavours to sign agreements with the host countries that they will guarantee Egyptian citizens the same treatment as their own nationals. Agreements have already been concluded with Qatar and Sudan.

Egyptians working abroad are covered by the social insurance scheme under Act No. 50 of 1978. They may also transfer to the host country such funds as are necessary for their current expenses.

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Egyptian citizens returning to Egypt benefit from certain advantages. If they return within a year of their departure, they are entitled to be reinstated in the post they occupied previously in the national or local administration. No customs duties are payable on their household and personal effects and equipment. Finally, in certain circumstances their requests for housing or building sites furnished by the public sector are given priority.

EL SALVADOR

CONVENTION NO. 97

Constitution.

Labour Code (LS 1963 - Sal. 1).

Decree No. 2772 of 19 December 1958 to promulgate the Migration Act (Diario Oficial (DO), 23 Dec. 1958, No. 240, p. 10013).

Aliens Act.

Decree No. 455 of 27 November 1963 to reorganise the Ministry of Labour and Social Welfare (DO, 10 Dec. 1963, No. 232, p. 11646) (LS 1963 - Sal. 2).

El Salvador has taken legislative and administrative measures to protect the interests of migrant workers.

The Constitution contains provisions relating to the protection of foreign workers who come to the country to render services. These include article 163, paragraph 1, article 18, article 182, No. 1, and article 191, paragraph 1.

Subsidiary legislation regulates migration in greater detail. Section 11 of the Labour Code stipulates that foreigners enjoy the same freedom of labour as Salvador nationals, with no restrictions on that right except as specified by law. However, the arrival, stay and departure of persons emigrating from one country to another to take up unemployment which does not entail their working on their own account are governed by provisions contained in the Labour Code and in the Migration and Aliens Acts: specifically, sections 7, 8, 9, 10 and 11 of the Labour Code, articles 7, paragraph (b), 26, 27, 51, 52, 59 and 62 of the Migration Act and articles 29 et seq. of the Aliens Act.

The provisions of the Decree to reorganise the Ministry of Labour and Social Welfare which relate to migrant workers are contained in articles 67, 68 and 69. Article 69 deals with workers of Salvadorian nationality who enter into contracts for service outside the national territory. Where Salvadorian nationals have been recruited under government control, the Government, through its competent officials, signs agreements with the employers which protect the interests of the workers; these agreements conform to a large extent to the provisions of ILO Conventions and Recommendations.

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The Ministry of Labour and Social Welfare has a Migrant Workers Service which is attached to the general labour inspectorates and which is responsible for enforcing laws and regulations with respect to migrant workers.

A study is to be made of those aspects of the Conventions and Recommendations referred to here which are not yet covered by national legislation or practice in order to determine the feasibility of their application in El Salvador. The appropriate measures for enforcing such provisions will also be examined.

FIJI

CONVENTION NO. 97

Memorandum of Understanding between the Government of New Zealand and the Government of Fiji.

Immigration Act No. 24 of 1971.

Employment Act, No. 15 of 2 July 1964 (Cap. 75).

Trade Unions Act, No. 4 of 21 May 1964 (Cap. 80).

The provisions of the Acts mentioned above are applied to all migrant workers in Fiji without discrimination in respect of nationality, race, religion or sex. Fiji also operates an employment service which is free.

Although Fiji legislation and practice ensures the observation of some of the provisions of this Convention, there has been no modification in the national legislation. Fiji has yet to assess the social and administrative implications of the Convention and until this is done it cannot consider ratification.

RECOMMENDATION NO. 86

See under Convention No. 97.

CONVENTION NO. 143

Under sections 32 and 35 of the Employment Act, a foreign contract of service must be in writing, and must be presented for attestation to a district officer, labour officer or other officer authorised for the purpose by the Permanent Secretary for Labour, Industrial Relations and Immigration, who must ascertain that the employee has freely consented to the contract, that the contract is in due legal form, that the terms of the contract are in accordance with the requirements of the Act, that the employee has fully understood them, that he has been medically examined and declared fit and that he is not bound by a previous engagement.

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Section 8(1) of the Immigration Act No. 24 of 1971 empowers the Permanent Secretary to issue a permit to any person entitling him to reside and work in Fiji. Such permits may contain conditions, inter alia, as to the profession or occupation which the holder may engage in and the person by whom the holder may be employed. Except with the approval of the Minister, no such permit may be issued to any person who is unlawfully in Fiji, is in lawful custody or is a patient in a mental hospital.

Fiji has yet to assess the administrative and economic implications of the Convention and until this is done it cannot consider its ratification.

RECOMMENDATION NO. 151

Most of the provisions of this Recommendation are applied to migrant workers in accordance with national law and practice to ensure the application of the principle of equality of opportunity and treatment.

No measure has been taken to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

FINLAND

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

Decree on the enforcement of the Agreement concluded by the Nordic countries on common labour market (329/54).

Decree on the enforcement of the Agreement concluded by the Nordic countries on social security (496/56).

Act on organising movements of migrants for employment (11/56).

Decree on the implementation of the Act on organising movements of migrants for employment (12/56, amended in 1975).

Employment Service Act (246/59) (LS 1959 - Fin. I).

Decree on the implementation of the Employment Exchange Act (247/59).

Vocational Guidance Act (43/60) (LS 1960 - Fin. I).

Vocational Guidance Decree (632/64).

Foreigners Decree (187/58).

Employment Act (946/71) (LS 1971 - Fin. I), amended in 1976.

Employment Decree (948/71).

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Wages (Guarantee of Payment) Act (649/73) (LS 1973 - Fin. 2).

Decree on guaranteed payment of wages (883/73).

Act on training for employment purposes (31/76).

Decree on training for employment purposes (206/76).

Resolution of the Council of State on conditions of financial assistance in respect of employment (959/78).

Resolution of the Council of State on financial support in respect of employment of young persons (961/78).

Resolution of the Council of State on financial support to municipalities in respect of employment (960/78).

Finland is primarily an emigration country, with emigration primarily to the other Nordic countries, mainly Sweden. Efforts are made to canalise migratory movements through official employment agencies, and an agreement for the purpose was signed with Sweden in 1973. The number of foreigners resident in Finland is estimated at 12,000 and about 4,500 work permits are valid at present. The figures do not include the nationals of Nordic countries, who in principle enjoy equality of treatment irrespective of their country of residence under the agreements concluded between these countries. Equality of treatment applies among other things to different fields of social security. In addition, Finnish citizens resident in Sweden are entitled to vote there in municipal elections and to be elected.

There is no special code of provisions concerning migrant workers. It is not allowed to organise movements of migrants in either direction for employment without special authorisation, or to recruit migrant workers without a licence. Work permits must be acquired before arrival in the country, except by persons married to a Finnish citizen.

Most of the legislation contains no obstacles to the equality of treatment of foreigners but it does not comply in all respects with Articles 2, 3 and 6 of Convention No. 143. The provision concerning equality of opportunity and treatment would require modifications in the sickness insurance and unemployment insurance schemes of Finland. Legislation relating to social welfare services should also be modified.

Two advisory bodies subordinate to the Ministry of Labour, on which employers and workers are represented, deal respectively with questions concerning migrants and employment exchange, including work permits.

A foreigner who intends to be employed in Finland can be admitted as a client in an employment exchange agency if he is a former Finnish national, if his parents or one of them are former Finnish nationals or if he is married to a Finnish national or to a former Finnish national; he can be assigned to a training course for employment after three years' continuous residence in Finland if the purpose of residence has been other than studies, or after a half-

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year's residence if he is married to a Finnish national or a former Finnish national or if the parents of one of them are former Finnish nationals or if he has been granted political asylum in Finland. If the person concerned is a former Finnish national or has the nationality of some other Nordic country and it can be expected that he will permanently settle in Finland, he can be assigned to training immediately.

Unemployment compensation can be paid to a foreigner after three years' residence if during that period he has maintained himself and his dependants mainly by his work, and after a half-year if he/she is married to a Finnish national or former Finnish national or has been granted political asylum in Finland.

A parliamentary committee on employment is at present examining the question of revising labour administration. The divergencies between the legislation and the provisions in Convention No. 143 have been taken into reconsideration.

The Finnish Employers' Confederation and Confederation of Commerce Employers consider that there are no substantial obstacles to the ratification of Part I of Convention No. 143, but that it is not possible to ratify Part II at present. However, they do not consider it appropriate to ratify only one part.

The Central Organisation of Finnish Trade Unions considers that at present the legislation does permit ratification of Convention No. 143. It proposes that the judicial, economic and social position of foreign labour resident in Finland should be urgently clarified. In respect of Recommendation No. 151, the Central Organisation considers that the entry of migrant workers should depend in the first place upon the employment situation in the country. After a migrant worker has entered and obtained a work permit he should enjoy equality of treatment in respect of social and economic rights. As regards Recommendation No. 86, the Central Organisation considers that adequate protection should be guaranteed to migrant workers. In addition, they should be given necessary information on housing conditions, educational possibilities for their children, access to employment of their spouses, etc.

FRANCE

RECOMMENDATION NO. 86

Labour Code.

Decree No. 76383 of 29 April 1976 (Journal officiel (JO), 1-2 May 1976, No. 103).

Order of 29 February 1976 (JO, 17 Mar. 1976, No. 65).

Interministerial Order of 10 August 1976 (JO, 18 Aug. 1976, p. 4979).

Paragraph 4. This Recommendation is out of date as far as France is concerned, given the employment situation.

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The recommended consultations are organised within the framework of the Commission on Foreign Manpower.

Paragraph 5. The national network for the reception, information and guidance of foreign workers and members of their families, set up by a circular of the Ministry of Labour dated 30 May 1973, covers nearly all the departments of the country. It must: supply practical information and explanations necessary to enable migrants to adjust to life in France; direct them to the bodies competent to deal with various questions and indicate the procedures to be followed; assist them in complying with these procedures (interpretation, administrative assistance).

Most of the persons engaged in these activities speak one of the languages of the migrants' countries of origin (about 20 per cent of them are of foreign origin).

The national network also comprises: reception points at stations, ports and airports, which are managed exclusively by the National Immigration Office (ONI); three large information centres at Paris, Lyons and Marseilles, where agents of the various administrative and social services are assembled under one roof.

The management of the departmental offices is entrusted to: the ONI for 23 departments; the Emigrants' Social Assistance Service for 15 departments; the regional and local associations in the rest of the country.

Paragraphs 6 and 7. The French authorities ensure that information on France's emigration or immigration policies is transmitted to the ILO or other member States which so request.

Paragraphs 8 and 9. The new immigration provisions have been publicised in the circles concerned.

Paragraph 10. The file on a foreign worker entering the country for the first time must contain a certificate of accommodation furnished by the employer.

The children of migrant workers have access to schooling on the same terms as those of nationals.

Paragraph 12. Migrants enjoy medical assistance on the same terms as nationals.

Paragraph 13. Recruitment is the exclusive responsibility of the ONI, which is a public establishment under the supervision of the Minister of Labour and Participation.

The introduction procedure provides for the free transport of the worker from his country of origin to his place of work in France (the costs being borne by the employer), the provision of employment, and the issue of a residence permit and a work permit. This procedure can be initiated after the contract of introduction, signed by the employer, has received the official stamp of the Ministry of Labour and Participation.

Under conventional bilateral manpower agreements the ONI is also responsible for the technical selection of migrants in co-operation with the authorities of the worker's country.

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Paragraph 15. Foreign workers may bring their families into France subject to fulfilment of the conditions stipulated by Decree No. 76383 of 29 April 1976 respecting the conditions of entry and residence in France of family members of foreigners authorised to reside in France.

Paragraph 16. The access to paid employment of members of the worker's family who are authorised to join him is governed by the provisions of Interministerial Circular No. 7.76 of 9 July 1976. The procedure is to allow them to work subject to the employment situation in France (section R 341.3 of the Labour Code) except for foreigners falling within one of the categories mentioned in the Order of 29 February 1976.

Paragraph 17. The Interministerial Liaison Mission to suppress improper dealings in connection with manpower, set up by Interministerial Order of 10 August 1976, plays a co-ordinating and promotional role in the activities of the public authorities to prevent the irregular introduction, employment and accommodation of foreign workers.

Paragraph 18. The work card, known as the C card, which is valid for ten years, entitles the foreign worker to free choice of employment, in principle after four years of work in France; furthermore, the issue of this work card for all wage-earning occupations is not subject to the holder's being in possession of a privileged residence card.

In addition, certain categories of foreigners are entitled to receive a C card as a right, if they so request; this may not be refused on the grounds of the employment situation. The following categories enjoy these rights: foreigners who have held a privileged residence card for ten years or more; the spouse of a French national or a worker who is a national of a State of the European Economic Community; a refugee or stateless person who can prove that he has resided for three years in France or who has one or more children of French nationality; a young foreigner who can at the time of his application prove that he has had two years' schooling in France during the preceding three years, on condition that one of his parents has resided in France for over four years, irrespective of whether the said parent is still resident in the country.

Paragraph 20. The French Government has recently passed a series of major provisions in favour of French nationals living abroad which will facilitate their return to France and their reintegration into French society.

Paragraph 21. Account has been taken of these provisions in the model agreement attached to the recommendation on the conclusion of bilateral manpower agreements.

CONVENTION NO. 143

Act No. 76-621 of 10 July 1976 to further suppress improper dealings in connection with, and the irregular employment of, foreign manpower (Journal officiel (JO), 11 July 1976, No. 161).

Social Security Code.

Act No. 75-574 of 4 July 1975 to generalise social security (JO, 5 July 1975, No. 155).

Decree No. 75-1088 of 21 November 1975 (JO, 24-25 Nov. 1975, No. 273).

Articles 8 and 10. The Bill respecting the conditions of residence and employment of foreigners in France, which is at present deposited with the National Assembly, contains provisions on the withdrawal of authorisation to work from foreigners who have been unemployed for more than six months which are contrary to the provisions of the Convention in this field.

Although this Bill has not yet been submitted to Parliament for examination and it is possible that it may be amended on this occasion, it is impossible to foresee whether other points of incompatibility would result from the adoption of amendments.

Article 9. The national legislation would generally appear to be in conformity with the provisions of this Article.

Article L 245 of the Social Security Code provides that any foreign worker who fulfils the conditions for affiliation required of French workers is compulsorily insured in the same way as the latter, and both he and his dependants enjoy social insurance benefits on condition that they are resident in France.

The fact of not having a valid employment contract or of not being regularly employed in no way affects the right of the migrant worker to enjoy French social security benefits, provided that he fulfils the conditions required of French workers in the same situation.

As regards industrial accidents and occupational diseases, the principles set forth in the Convention are relevant in particular to non-discrimination between French and foreign workers on French territory and the imposition of administrative sanctions and fines on employers who employ foreign workers irregularly; they are in conformity with the provisions in Book IV of the Social Security Code.

In addition, from the time when a foreign worker who has been the victim of an industrial accident ceases to reside on French territory, the restrictions imposed by French legislation (section L 461 of the Social Security Code) on the persons concerned and their dependants may be waived under bilateral and multilateral agreements on the one hand and the ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), on the other.

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Since 1 January 1978, in accordance with the provisions of Act 75-574 of 4 July 1975, the new section L 512 of the Social Security Code no longer distinguishes between ordinary or privileged residents and temporary residents. Nevertheless, foreigners residing in France under a regular residence permit are entitled to family benefits.

This provision would not appear to be compatible with that of article 9, paragraph 1.

France is unable to ratify that part of the Convention which concerns non-contributory old-age benefits, because of the difficulties connected with the nature of certain of its non-contributory benefits. Although these are managed by the social security scheme, they are not social security benefits and are financed by national solidarity. They are reserved for nationals or for foreigners in respect of whom a reciprocity agreement has been concluded with France.

France does not apply the policy of totalising the periods of insurance arising out of past employment of a migrant worker abroad except in the case of workers who are nationals of States Members of EEC or of a State with which a reciprocity agreement containing provisions to this effect exists.

Under section L 247 of the Social Security Code these foreign nationals, if they are no longer resident in France at the time of settlement of their old-age pension insurance entitlement, are entitled only to the pension entered against their individual account on 31 December 1940.

It would not appear possible at the present time to amend section L 247 to bring it into line with Convention No. 143.

Article 14(a). The Decree of 21 November 1975 provides that a foreigner has freedom of access to the occupation of his choice after four years' residence in France as a wage earner.

RECOMMENDATION NO. 151

Circular of the Ministry of Labour, dated 25 March 1977 (Bulletin officiel du ministère du Travail, No. 17, 1977, p. 4792).

Act No. 75-630 of 11 July 1975 (Journal officiel, 13 July 1975, No. 162).

Decree of 29 April 1979.

Paragraph 2. Migrant workers lawfully within the territory of France enjoy equality of treatment with nationals as regards placement, vocational training, security of employment, advancement, retraining, conditions of work, trade union rights and conditions of life.

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Under the Act of 11 July 1975 foreign workers are eligible for office as staff representatives and members of works committees, provided that they can "express themselves in French". This Act enables the persons concerned to perform the duties of trade union representatives under the same conditions as French nationals.

Finally, any foreigner who is a member of a trade union may take part in its administration or management if he has worked in France for five years on the date of his appointment. Nevertheless, the proportion of foreigners among members of the union responsible for administration and management functions may not exceed one-third.

Immigrants have access to low-cost and other housing on the same terms as nationals, although their accommodation poses special problems. These difficulties have led the public authorities to take special measures to provide immigrants with housing; these measures are in addition to the action taken to rehouse persons living in insalubrious dwellings, among whom a high proportion of immigrants are to be found. This policy has taken the form of regulations and financial assistance through specialised bodies.

Migrant workers and their families are covered by all the social services under ordinary law under the same conditions as the French population. These special measures must accordingly be considered as complementary to those for the population as a whole and as relief facilities for foreigners who do not know how to use the services offered under ordinary law or who are not yet in a position to do so.

Paragraphs 3, 4 and 5. Measures have been taken in this connection.

Paragraph 6. Access to employment in the public service is restricted to nationals. In addition, certain occupations are regulated and are open to foreign nationals only on condition that they have received authorisation from the ministerial departments concerned.

Paragraph 7. The Cultural, Information and Immigration Association informs the major foreign communities of their rights in their mother tongue.

Literacy courses are designed for adults and consist of lessons in written and oral French plus, in some cases, elementary arithmetic. Emigrants and their children of course have access to the general and technical education system, which is open to them on the same terms as to French nationals.

It has nevertheless been necessary to adapt teaching to foreign children. Initiation classes have been organised for children who have no knowledge of the French language. Each class has a maximum of 20 pupils, who stay there from three months to a year according to their aptitudes.

During the last four years or so another concern has become manifest, namely that of maintaining the child in contact with his language and culture of origin. For this reason teaching is given in the mother tongue during the period of extra-curricular

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activities in primary schools. These classes, which are optional, are given under bilateral agreements concluded between the ministries of education concerned. Teachers paid by Portugal, Spain, Italy, Tunisia, Morocco and Yugoslavia are at present working in French elementary schools; negotiations are under way with Algeria.

Foreign children enjoy the same assistance as nationals during their schooling.

Paragraph 8. Provisions are envisaged in this sense.

Paragraphs 9, 10 and 11. Migrant workers enjoy social protection on the same terms as nationals.

Paragraphs 13 to 16. Migrant workers have the right to bring in their spouses and children, on condition that they have been lawfully resident in France for at least one year, and that they have regular resources sufficient to enable them to keep their families.

GABON

CONVENTION NO. 97

Act No. 6/75 of 25 November 1975 to institute a Social Security Code (Journal officiel (JO), No. 33, 12 December 1975, Special Issue, p. 22).

Act No. 5/78 of 1 June 1978 to institute a new Labour Code (JO, No. 25, 28 November 1978, Special Issue).

Act No. 34-62 of 10 December 1962 to regulate the admission and stay of foreign nationals in Gabon.

Decree No. 557/PR/MTSS respecting the powers and duties and organisation of the Ministry of Labour and Social Security.

Decree No. 277/PR/MT of 31 May 1968 to regulate the employment of foreign workers as completed by Decree No. 663/PR/MTPS of 5 July 1972.

Information note No. 6042/MTSS/DTI of 12 October 1978 on foreign manpower.

Gabon has legislative and administrative provisions regarding certain areas covered by the Convention.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

GERMAN DEMOCRATIC REPUBLIC

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

The legislation contains no provisions with respect to the employment of migrant workers. There are no migrant workers within the meaning of the Conventions and Recommendations adopted by the International Labour Organisation.

The GDR maintains relations with a number of States involving co-operation between labour forces, on the basis of the principle of aid and the mutual interests of the countries concerned, with the special aim of intensifying the already extensive co-operation in the scientific and technical fields. The sending of workers temporarily to another State is done exclusively on the basis of international treaties.

Co-operation in respect of labour is not dependent upon a temporary manpower surplus in one of the States parties to a treaty and a demand for workers in the other. Likewise, the number of workers and the duration of the employment of foreign workers are determined first and foremost by the interests and intentions of the States concerned.

The GDR has concluded such agreements with the Hungarian People's Republic, the Polish People's Republic, the Republic of Cuba, the People's Republic of Mozambique and the People's Democratic Republic of Angola.

These agreements contain above all: provisions on equal rights of foreign workers with nationals; measures for the promotion of apprenticeship and the acquiring of skills; supplementary provisions for the furnishing of social and cultural assistance and sports facilities to such workers in order to facilitate their adaptation to their new conditions of work and life; provisions to assure them of decent accommodation in modern buildings at moderate rents; provisions specifying the arrangements to be made for the centralised organisation of the journeys of these workers to and from the GDR.

The central executive committees of the youth movement and trade union organisations of the countries parties to these agreements have made arrangements to co-operate with a view to facilitating their implementation.

The Secretariat of State for Labour and Wages and the regional labour and wages offices are responsible for supervising the implementation of the provisions of these agreements.

In addition, the agreements recognise the right of the employers and workers to have a say in the application of their provisions, to which effect is given in particular through close co-ordination and collaboration with the services and organisations competent in this respect.

The trade unions have pointed out that the arrangements they have made with a series of foreign trade union organisations provide

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for the interests of workers from these countries working in the GDR to be represented by the FDGB. Representatives of these workers sit on the trade union executives concerned.

FEDERAL REPUBLIC OF GERMANY

CONVENTION NO. 143 RECOMMENDATIONS NOS. 86 AND 151

Constitution (Grundgesetz).

Employment Promotion Act of 25 June 1969 (Bundesgesetzblatt (BGBI), Part I, 28 June 1969, No. 51) (LS 1969 - Ger. F.R.1), as amended by the Act of 25 June 1975 (BGBI, Part I, 28 June 1975, No. 71).

Ordinance of 2 March 1971 concerning work permits (BGBI, Part I, 6 March 1971, No. 17), as amended on 7 July 1976 (BGBI, Part I, 10 July 1976, No. 80) and 29 August 1978 (BGBI, Part I, 7 Sept. 1978, No. 53).

Act of 30 April 1963 for the reorganisation of the statutory accident insurance scheme (Third Book of the Federal Insurance Code) (BGBI, Part I, 9 May 1963, No. 23) (LS 1963 - Ger. F.R.2).

Act of 28 April 1965 (BGBI, Part I, 8 May 1965, No. 19) and General Administrative Instruction of 7 July 1978 concerning the application of this Act.

Works Constitution Act of 15 January 1972 (Betr Verf G) (BGBI, Part I, 18 January 1972, No. 2) (LS 1972 - Ger. F.R.1).

Judgement of the Federal Labour Court dated 13 January 1977.

I. The recruitment of workers from countries not members of the European Community was stopped in November 1973. In 1976 a committee was set up composed of representatives of the Federal Government and the Land governments, working in collaboration with the employers and workers. The Committee adopted in February 1977 "proposals for the establishment of a general policy for the employment of aliens"; these proposals have since been approved. The Federal Government's policy with respect to foreign workers and their families is based on principles to which the Land governments, the employers and the workers subscribe.

The basis of this policy is interdependence and the attaching of equal importance to social needs and employment needs. It aims at the fuller integration of foreigners, particularly children and young persons, during their stay in the Federal Republic while systematically seeking to stabilise the situation as concerns the employment of aliens.

Stabilisation through the restriction of new admissions of aliens from countries not members of the European Community enables foreign workers to find work if they are unemployed or to keep their jobs if they are in employment.

The stabilisation policy is on the whole favourable towards the integration of foreign workers and their families as it limits the number of persons to be absorbed.

The need to adapt and improve the integration measures is evidenced by the following factors: the increasingly long stay of foreigners; the large number of children of foreigners who are growing up in the Federal Republic; failures to integrate satisfactorily the children and young persons into the general education and vocational training systems.

II. 1. The implementation of the proposals made by the federal and Land government committee on alien employment policy is now well advanced. As for the policy with respect to migrant workers and their families, it is carried out in close collaboration with all interested parties.

2. Entry visas to take up employment without going through the recruitment procedure are now granted only to certain categories of workers, with priority reserved for German and assimilated workers.

3. The means of combating the illegal employment of aliens have been reinforced by the Act of 25 June 1975 for the amendment of the Employment Promotion Act and the Contract Labour Act. The illegal recruitment, placement, contracting and employment of foreign workers are punishable by up to five years' imprisonment or a fine of up to 50,000 DM.

4. Since 1 April 1979, regulations prescribing waiting periods adaptable to each case individually have replaced the closing of the employment market to the spouses admitted to the country after 30 November 1974 and children admitted after 31 December 1976 of foreign workers from countries not members of the European Community. Subject to the reservation that priority be given to Germans and nationals of countries belonging to the European Community in accordance with section 19 of the Employment Promotion Act, children under age and spouses admitted for the purpose of family reunification may, after two years' residence in the case of children and four years' residence in the case of spouses, have access to the employment market in sectors particularly short of manpower upon the issue of a work permit in conformity with section 1 of the Work Permits Ordinance. In districts where the shortage of manpower results in an excessively large number of temporary or permanent job vacancies, the local labour administration may shorten the waiting period for spouses to three years. Children who have attended from beginning to end within the federal territory a vocational initiation course of not less than six months may also benefit from a shortening of the waiting period.

Young persons may acquire the right, after five years' personal residence and five years' residence on the part of one of their parents, to a privileged work permit with no reservation of priority for German nationals and citizens of member States of the European Community. The Ordinance of 29 August 1978 amending the Work Permits Ordinance allows young persons to claim this right even after reaching the age of 18 years, and maintains it after the accomplishment of military service in their country of origin.

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Young persons who, before reaching their 13th birthday, have joined in the Federal Republic a parent in employment have access to employment irrespective of the labour market situation, unlike young persons who have not acquired the right to residence through cohabitation with their families.

Also entitled to privileged work permits are aliens who can produce evidence of having been lawfully employed in the Federal Republic for five years without interruption, as well as certain other categories of aliens.

The new Ordinance has abolished the right of foreign workers' spouses (after five years' personal residence and five years' residence on the part of the worker) to a privileged permit.

The principle of family reunification remains applicable in the broad sense to the spouses and unmarried children under age of foreign workers (generally after one year's residence on the part of the worker).

5. Social security protection for unemployed aliens has been improved; foreign workers may draw unemployment allowances and benefit for at least one year on the same terms as Germans. Nationals of member States of the EEC and aliens entitled to privileged work permits have more extensive rights to unemployment benefit.

6. For so long as they are in the country, foreign workers enjoy the same advantages as German citizens as concerns sickness, accident and pension insurance. Illegally employed aliens, in so far as they fulfil the qualifications applicable to all other insured persons (for instance as concerns contributions), have the same rights and obligations as concerns these types of insurance as foreign workers in possession of a work or residence permit, and German workers. Like them, they may avail themselves of the statutory redress procedures to appeal against the decisions of insurance carriers or of the courts.

Paragraph 34(1) of Recommendation No. 151 cannot be accepted. Section 625 of the Insurance Code provides in effect that benefit due to aliens under the statutory accident insurance scheme shall be suspended for such time as they are voluntarily and habitually resident outside the territory; of course they do not forfeit their right to benefit because of their absence abroad, but they may not exercise it. Since the Federal Republic of Germany has ratified ILO Conventions Nos. 19 and 118 and has concluded social security agreements with most of the countries from which the workers in question are recruited, this provision has minimal practical effect.

7. Paragraph 18 of Recommendation No. 86 and Paragraphs 30 and 31 of Recommendation No. 151 call for the following remarks.

As a general rule, residence permits are extended for two years at a time after the first year, a residence permit of indefinite duration is granted after five years and unrestricted entitlement to residence is granted after eight years' lawful residence.

8. A scheme for the encouragement of voluntary repatriation in the form of a programme for the creation of jobs in the country of origin is under consideration.

9. An improvement in the position of foreign children as concerns their education is an important feature of the integration policy. In this connection efforts are being made in particular: to develop and implement throughout the federal territory a programme for the teaching of German to foreign children; to improve relations between teachers and pupils in classes with foreign children in them; to provide improved training and further training for teachers who have to deal with foreign children; to make arrangements for intensive courses in the language for foreign children upon completion of their schooling.

10. The following measures have been introduced, with the backing of the Federal Government, in order to facilitate the occupational integration of young foreigners and provide advanced vocational and language training for aliens: help with homework; social and occupational integration programme for young foreigners without a certificate of secondary education (intensive language courses, supplemented by one-year social integration and vocational guidance courses); advanced vocational and language training courses for adults; improved language teaching facilities (increase in the number and better geographical distribution of teaching centres, further training for teachers).

11. Social assistance and advice facilities for foreigners are in the process of being adapted to meet the needs resulting from the prolongation of stays in the country and the reunification of families (pointing out to aliens the integration facilities available). Aliens are now better informed as a result, inter alia, of: increased social services (advice bureaux); the engagement of youth counsellors in welfare institutions and workers' organisations; advanced vocational training for social workers; the publication of information bulletins in the languages of immigrant workers (Greek, Italian, Portuguese, Serbo-Croat, Spanish and Turkish). Every year a calendar is published in all these languages which inter alia provides useful advice for coping with day-to-day life.

12. The immigration policy and the policy with respect to migrant workers and their families have for years afforded an opportunity for co-operation between the Federal Government, the Land governments, the leadership of the various foreign communities, the employers and workers, the churches and the leading private welfare organisations.

The Federal Government also maintains active contacts with the governments of the countries of origin through the intermediary of their diplomatic representatives.

III. 1. The legislation on individual and collective contracts of employment makes no distinction between foreign and German workers. It ensures equality of opportunity and treatment in conformity with the provisions of Articles 9 and 10 of Convention No. 143, Paragraph 2(e) and (f) and Paragraph 8(3) of Recommendation No. 151 and Paragraph 17 of the Annex to Recommendation No. 86.

Exclusive competence for the application of the laws on individual employment relationships lies with the employers and the workers, who, in the event of a dispute, may bring proceedings in the labour courts. Employers and workers may seek advice from or

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arrange to be represented by their respective organisations. In addition the works councils are responsible for ensuring that the law is applied in a manner favourable to the workers.

The authority responsible for supervising the application of the labour legislation is not allowed to make any distinction between foreign and German workers; the same applies to the labour inspectors employed by the accident insurance carriers.

Section 75(1) of the Works Constitution Act makes it compulsory for the employer and the works council to ensure that nobody is treated differently on account of his parentage, nationality or origin. Furthermore, under sections 7 and 8 of the same Act, foreign workers are eligible to vote and stand for election to works councils on the same terms as nationals. Lastly, section 80(1) of this Act lists among the general duties of the works council that of promoting the integration of foreign workers in the establishment and furthering understanding between them and their German colleagues.

However, Article 12(g) of Convention No. 143 gives a much broader scope to the principles of equality of treatment than article 7 of Ordinance No. 1612/68 of the European Community.

As concerns conditions of work and economic conditions governed by collective agreements, the autonomy of the contracting parties as established under article 9(3) of the Constitution releases the State from any obligation to ensure that workers enjoy equality as concerns their conditions of work. Equality of treatment can be assured only within the framework of the collective agreement in force in each undertaking.

2. The Federal Labour Court ruled in a judgement pronounced on 13 January 1977 that if permission to employ a worker is refused under section 19(1) of the Employment Promotion Act after a collective agreement has been concluded and after the worker has taken up employment his contract of employment is not ipso facto null and void. This judgement appears to be consistent with the provisions of Article 9(1) of Convention No. 143.

GUYANA

CONVENTION NO. 143

The Immigration Act, Cap. 14:02

The Recruiting of Workers Act, Cap. 98:06

The Employment Exchanges Act, Cap. 98:05

The Immigration Act, which falls under the authority of the Chief Immigration Officer who is the Commissioner of Police, provides for the control of emigration and immigration, for medical examination of immigrants if necessary, and for immigrants to be domiciled after two years' residence.

CONVENTIONS NOS. 97 AND 143
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The Recruiting of Workers' Act mainly provides for the licensing of persons who are recruiting workers and for the making of regulations to protect workers from unauthorised recruiters; ensures that the workers are medically fit and provides for the transport of workers and their families to their homes. The Employment Exchanges Act provides for a free service to all nationals and non-nationals seeking employment. These Acts, are implemented by the Chief Labour Officer. The co-operation of employers' and workers' organisations is received in respect of the application of the Acts by means of consultation.

No problem arises in the application of the Immigration and Employment Exchanges Acts, especially since Guyana has not been entering into any contract to supply or receive workers from other territories. As a result the Recruiting of Workers' Act has not been found necessary and in consequence, no regulations have been made under it.

Guyana has no immediate intention of formulating further legislation to give effect to the Recommendation, because of its policy towards migration for employment. It would be detrimental if organised migration of skills should occur, resulting in a "brain-drain". Indeed, the Government is pursuing a programme of repatriation of Guyanese who are overseas in an effort to cumulate skills. Guyana encourages the transfer of capital and technology rather than the transfer of workers for employment.

Nevertheless, there has been migration for employment by workers on an unorganised basis. The Government has not put restrictions to this movement as everyone has the right to leave the country as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

RECOMMENDATIONS NOS. 86 AND 151

See under Convention No. 143.

HUNGARY

CONVENTION No. 97

Decree No. 11 of the Minister of Labour, respecting the placement of workers and the recruitment of manpower (Magyar Közlöny, 20 Oct. 1967, No. 73, p. 665) (LS 1967 - Hun. 1).

Act No. II of 1967 to promulgate a Labour Code (Magyar Közlöny, 8 Oct. 1967, No. 67, p. 503) (LS 1967 - Hun. 2).

Decree No. 11 of the Minister of Labour, respecting certain questions concerning contracts of employment (Magyar Közlöny, 29 Apr. 1971, No. 30, p. 427) (LS 1971 - Hun. 1).

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There are no migrant workers in the sense of the Convention.

A foreign worker who wishes to work in Hungary and who is in possession of the statutory work permit has the same rights and duties as a wage earner of Hungarian nationality. He enjoys equality of rights as regards remuneration, working hours, the age of admission to employment, the payment of contributions and social insurance.

The public administrative bodies, the ministries, the higher authorities and the trade unions supervise the application of the legal provisions on working conditions and social insurance.

Since Hungarian legislation applies the provisions of the Convention, it is not considered necessary to adopt new legislative provisions on the subject. The Presidential Council will, however, soon pass a legislative decree respecting private international law which will also regulate questions relating to labour law.

CONVENTION NO. 143 RECOMMENDATIONS NOS. 86 and 151

See under Convention No. 97.

INDIA

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

Passport (Entry into India) Act, 1920.

Registration of Foreigners Act, 1939.

Foreigners Act, 1946.

The Indian Emigration Act, 1922 and Emigration Rules (Gazette of India, 1923, Part I, p. 214) (LS 1922 - Ind. 2).

The general policy of the Government is not to encourage foreigners to come to India for employment. They are considered for employment only when suitable Indians are not available for a particular job.

Emigration for the purpose of unskilled work is not lawful except to such countries and on such terms and conditions as the Central Government may by notification in the Official Gazette specify on this behalf. No such notification has been issued so far under this Act.

In view of the increasing demand for Indian workers abroad, the Government is, however, considering introducing a regulated system of gratuitous recruitment through Indian recruiting agencies, approved and registered by the Ministry of Labour.

CONVENTIONS NOS. 97 AND 143
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Illegal emigration from the country is a punishable offence. Similarly, whoever causes any person to emigrate illegally is punishable under the Act.

Recently, the Supreme Court of India laid down certain temporary guidelines concerning emigration procedures. The Government is presently seized with the formulation of relevant regulations in this regard.

The Government of India is also in the process of entering into bilateral agreements with some countries on the question of deployment of manpower.

The Emigration Act, 1922 and the Rules framed thereunder provide adequate guarantees for emigrants for employment, covering such matters as the terms of employment, the journey and conditions for repatriation.

The Indian Constitution expressly prohibits discrimination inter alia on grounds of place of birth. The labour and social security laws generally do not make any distinction between Indian citizens and others.

JAPAN

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

There are no significant migrations to or from Japan and consequently the Government is not in a position to submit detailed reports on the position of law and practice in regard to the matters dealt with in the four principal ILO instruments dealing with migration.

Nevertheless, the Government reports that there are provisions in the Japan International Co-operation Agency Law, which generally give effect to the provisions of Convention No. 97 regarding matters related to emigration.

KUWAIT

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Act No. 38 of 1964 respecting labour in the private sector.

Much of Kuwait's labour force consists of migrant workers. The competent authorities are therefore very much concerned with their well-being and stability.

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Chapter II of Act No. 38 of 1964 regulates the employment of immigrant workers. It also prohibits the creation of private profit-making placement services or private offices for the recruitment of foreign workers. Furthermore, the Act's provisions concerning the employment of women and adolescents, working conditions, the organisation of work, the termination of an employment relationship and compensation for employment injuries are exactly the same for all workers, irrespective of nationality.

Ratification of Conventions Nos. 97 and 143 poses certain difficulties. Some of the Articles of these Conventions are not covered explicitly in national labour legislation, even though a good number of them are applied in practice, such as those relating to equal treatment, the transfer of income and savings and the adoption of measures against illicit employment. Moreover, existing administrative and technical services are not large enough to deal with the departure, travel and reception of migrant workers, owing to their vast numbers and extreme mobility.

The Government hopes, however, to be able to improve the protection of migrant workers by means of an amendment of the Act respecting labour in the private sector.

LEBANON

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

Labour Code of 23 September 1946 (Art. 59,92) (LS 1946 - Leb.1).

Law of 10 July 1962 relating to the entry of foreigners to Lebanon, their residence and departure (Art. 6,25) (Bulletin de législation libanaise, No. 28/1962, Avenant p. 4).

Decree No. 17561 of 18 September 1964 which organises the work of foreigners in Lebanon (ibid., No. 79/1964, p. 12).

Social Security Law (Decree No. 13955 of 26 September 1963).

Foreigners other than artists are prohibited from being occupied in the Lebanon unless duly authorised by the Ministry of Labour and Social Affairs in accordance with the prevailing laws and regulations. This authorisation must be obtained before entry, and a work permit must be applied for on arrival. The application for a work permit must be accompanied by a medical certificate confirming absence of illness.

There is no difference between natives and foreign workers with respect to the rules governing conditions of work, wage, hours of work, overtime work, annual leave, sick leave, vocational guidance and training, conditions of work for women workers, benefits of collective agreements, occupational accidents and diseases, fees and taxes, right to bring a case before the competent tribunals, right to transfer funds abroad, etc.

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However, there are the following differences in the treatment of natives and foreign workers: foreign workers in Lebanon are not entitled to the benefits of the Social Security Scheme unless their countries provide equal benefits for Lebanese workers on its territory. Secondly, foreign workers may join the competent trade union but may not vote or be elected to the trade union council.

All foreigners including migrant workers are subjected to the control and supervision of the directorate of public security with respect to entry, residence, movement, employment and departure from Lebanon. The Lebanese Ministry of Labour and Social Affairs only issues a work permit to foreigners who can prove that they entered the country legally or who have a residence permit.

LUXEMBOURG

CONVENTION NO. 97

Act of 28 March 1972 respecting the entry and residence of aliens, the medical examination of aliens and the employment of foreign labour ("Mémorial", Series A, 13 Apr. 1972, No. 24).

Grand-Ducal Regulations of 12 May 1972 to specify the measures applicable to the employment of foreign workers on the territory of the Grand Duchy of Luxembourg ("Mémorial", Series A, 24 May 1972, No. 31) (LS 1972 - Lux. 1).

Act of 24 July 1972 respecting social action for the benefit of immigrants ("Mémorial", Series A, 28 July 1972, No. 46), as amended by the Act of 29 July 1977 (ibid., 8 Aug. 1977, No. 45).

Act of 21 February 1976 respecting the organisation and functioning of the Employment Administration and providing for the setting up of a National Employment Commission ("Mémorial", Series A, 26 Feb. 1976, No. 7).

Manpower agreements have been concluded with Portugal and Yugoslavia.

Article 2 of the Convention. The service mentioned was set up under the Act of 24 July 1972 respecting social action for the benefit of immigrants. Its functions are specified in greater detail in sections 2 and 3 of the Act in question, while the principle that these services should be offered free of charge is laid down in section 4.

Article 3. The legislation of Luxembourg contains no provisions specifically forbidding misleading propaganda relating to emigration and immigration. Under section 16 of the Act of 21 February 1976 one or more employers or an employers' organisation may be authorised in exceptional circumstances, at their previous request, to recruit workers abroad. This previous request must specify the type and number of jobs offered and the qualifications

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required; the period during which the recruitment is to be effected; the place or places of recruitment; the conditions of recruitment, engagement and employment offered, and the persons who will be in charge of the recruitment.

The same Act prescribes penalties for any person who engages in the recruitment of workers abroad without being in possession of the aforementioned authorisation or who does not comply with the requirements laid down in the authorisation.

Article 4. The question of special measures in connection with the departure of migrant workers does not arise for Luxembourg. As concerns their reception, measures are provided for by the Act of 24 July 1972 respecting social action for the benefit of immigrants.

Article 5. A public health examination is prescribed for every alien. The medical examination must take place within a fortnight of the alien's entry into Luxembourg territory, except in the case of nationals of the countries with which Luxembourg has concluded a manpower agreement, i.e. Portugal and Yugoslavia.

Article 6. National law and practice are in conformity with this provision. The principle of equality of treatment is moreover formally stated in the manpower agreements with Portugal and Yugoslavia.

Article 7. Co-operation as provided for in the first paragraph of this Article exists at both the multilateral and the bilateral level.

The recruitment operations carried out by the employment services in pursuance of the manpower agreements do not entail any expenses for the migrant workers concerned.

Article 8. Section 6 of the Act of 28 March 1972 lists the cases in which an alien's identity card may be withdrawn or its renewal refused. This list makes no mention of the cases to which reference is made in Article 8.

Article 9. The directives of the Belgo-Luxembourg Exchange Institute impose no restrictions, but give indications as to the market - free or regulated - in which such transactions must be effected.

Article 11. Luxembourg legislation does not contain any official definition of the term "migrant for employment", but the definition given in Article 11 is entirely consistent with accepted practice in Luxembourg.

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The Annexes to the Convention contain a multitude of details, some of which are applied. There are some, however, which have no bearing on the situation in Luxembourg, because this country does not as a general rule engage in mass collective recruitment, it being more usual for contracts to be concluded with individual workers.

Owing to the special circumstances of the employment market, which sometimes calls for more intensive immigration involving a whole series of measures which very often can only be taken by progressive stages and constitute a long-term proposition, and sometimes for restrictions on immigration, the Luxembourg authorities at present have considerable hesitations about ratifying the Convention.

RECOMMENDATION NO. 86

The measures advocated by the Recommendation are provided for, broadly speaking, in the enactments cited in the report on Convention No. 97.

The rules laid down by Parts I to VI of the Recommendation are reflected in the legislation and practice of Luxembourg in accordance with the following principles:

- Luxembourg practice is generally consistent with the definitions given in Paragraph 1;
- the issue of a work permit to foreign workers required to have one is subject to the criterion "state, trend or organisation of the employment market";
- the National Employment Commission, composed on a tripartite basis of government, employer and worker representatives, is consulted on all general problems relating to the migration of workers;
- an immigration service, assisted by a national immigration board, is responsible for taking care of any problems of a social nature which may arise for migrant workers upon their arrival and during their subsequent stay in Luxembourg;
- the monopoly in respect of recruitment abroad is in the hands of a public service, namely the Employment Administration;
- the criteria for the admission to employment of members of migrant workers' families are the same as those applicable to the migrant workers themselves;
- a foreign worker may be removed from Luxembourg territory if he can no longer produce evidence of having lawful means of subsistence; entitlement to unemployment benefit is equivalent to possession of such means;
- the possibility of withdrawing a work permit for reasons inherent in the employment situation was abolished by the Act of 29 July 1977.

The measures to which reference is made in Part VII are irrelevant to Luxembourg.

The manpower agreements concluded with Portugal and Yugoslavia, although less explicit than the model agreement appended to the Recommendation, deal with the problems enumerated in the various Paragraphs of the Recommendation.

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CONVENTION NO. 143

Act of 29 August 1953 for the approval of the Convention for the Protection of Human Rights and Freedoms, signed in Rome on 4 November 1950, and the Additional Protocol, signed in Paris on 20 March 1952 ("Mémorial", 29 Aug. 1953, No. 53).

Article 2. Few abuses have been discovered to date in the form of trafficking in or the illegal employment of migrant labour. Offences are noted by bodies which, each within its own area of competence, may intervene in so far as this does not interfere with the other duties assigned to them by law. This is applicable, for instance, to members of the police force and inspectors of the labour inspection service and the Employment Administration. It is only for the purpose of checking the housing accommodation of migrant workers that a special service exists, operating as part of the immigration service.

The representative organisations of employers and workers are regularly consulted within the framework of the National Employment Commission and the National Immigration Board.

Article 3. See under Article 3 of Convention No. 97.

Section 12 of the Grand-Ducal Regulations of 12 May 1972 provides for the imposing of a fine or a term of imprisonment on employers who illegally employ foreign workers required to hold work permits.

Article 7. The representative organisations of employers and workers, duly represented on the National Employment Commission and the National Immigration Board, are as a general rule consulted on all matters relating to migrant workers. Representatives of the migrant workers themselves sit on the National Immigration Board.

Article 8. Foreign workers who fulfil the general requirements for eligibility for unemployment benefit in the event of the loss of their employment may draw benefit on the same terms as Luxembourg workers for up to 12 months (in some cases 18 months) in any period of 24 months. During the period of entitlement to benefit no measure may be taken for the withdrawal of their authorisation of residence or work permit. They enjoy equality of treatment with nationals in respect of all measures for the protection of employment or the provision of alternative employment.

Article 9. In the event of infringement of the regulations on work permits - that is to say in the event of illegal employment - the migrant workers concerned enjoy equality of treatment in respect of remuneration, social security and conditions of employment. They may present their case to the courts or other bodies competent to deal with the matters in question. However, a privileged work permit (valid for five years or for an unlimited period) may be granted only after lawful employment. Consequently, periods of illegal employment may not be taken into account for the purposes of the issue of such a permit.

No provision is made for releasing migrant workers and their families who are expelled from liability to pay the cost of the operation.

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Article 10. See under Recommendation No. 151.

The co-operation of employers' and workers' organisations and other appropriate bodies is secured through the National Employment Commission and the National Immigration Board.

Article 12. The objectives set forth in clauses (b) to (f) fall within the competence of the Immigration Service.

Article 13. Formal provision for the reunification of families is made in article 10 of EEC Regulation No. 1612/68 on freedom of movement for workers and in the manpower agreement with Portugal. In the case of other nationalities it is generally accepted.

Article 14. Free choice of employment is allowed only after five years' uninterrupted employment and residence on Luxembourg territory.

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When examining the possibility of ratifying this Convention, the competent authorities will have to take into consideration the lack of specific legislation as a direct means of combating clandestine migration. The national legislation does not explicitly cover all the matters to which reference is made in the Convention. This is the case with: systematic determination whether migrants are illegally employed; action against the organisers of illicit or clandestine movements; the bearing of the cost when workers or their families are expelled; the official definition of equality of treatment; free choice of employment only after two years' residence.

RECOMMENDATION NO. 151

There is no general enactment explicitly stating the principle of equality of opportunity and treatment, except for the provisions of articles 7 to 9 of EEC Regulation No. 1612/68 on freedom of movement for workers, and those of the manpower agreements with Portugal and Yugoslavia. Nevertheless, this principle is generally observed in national practice.

This remark applies to all the rights enumerated in Paragraph 2, clauses (a), (c), (d), (e), (f), (h) and (i).

The right of free access to employment is fully acquired only after not less than five years' uninterrupted employment and residence.

As concerns the representation of workers in undertakings, the law makes no distinction between national workers and foreign workers in respect of the right to vote. As regards the right to be

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elected, the number of representatives who are nationals of States not members of the European Communities may not exceed one-third of the total number of members of the delegation.

Social policy, which is formulated in every respect in close co-operation with the employers and the workers, is applicable without distinction to national and foreign workers. When special measures need to be taken for the benefit of migrant workers, the National Immigration Board is consulted.

Practice is generally consistent with the objectives set by the Recommendation as concerns the reunification of families.

As a general rule, information of the kinds mentioned in the Recommendation is given to migrant workers in the course of their integration into the employment system.

Broadly speaking, the Immigration Service provides migrant workers and their families with the types of assistance enumerated in Part II C of the Recommendation.

When a migrant worker loses his job, he is entitled, *inter alia*: (1) to unemployment benefit on the same terms and subject to the same criteria as national workers. During the benefit period his authorisation of residence is maintained; (2) to apply to the employment services for help in finding a new job; (3) to seek redress in the courts in the event of unwarranted dismissal; (4) to avail himself of the administrative procedure for appeal to an advisory committee in the event of his expulsion; (5) to payment of all wages due to him, to the statutory period of notice and to severance pay.

A Bill for the reform of the system of representation of employees at the undertaking level places foreign workers holding privileged work permits (issued after five years' residence and employment in Luxembourg) on the same footing as Luxembourg workers and nationals of EEC countries as concerns eligibility for election as such a representative. This Bill is now before the Chamber of Deputies.

MADAGASCAR

RECOMMENDATION NO. 86

Ordinance No. 75-013/DM of 17 May 1975 to promulgate a Labour Code (Journal Officiel (JO), 5 June 1975, No. 1059, Special Issue, p. 1544) (LS 1975 - Mad. 1).

Act No. 62-006 of 6 June 1962 to provide for the organisation and control of immigration (JO, 16 June 1962).

Under the Labour Code, no foreign worker may take up employment without permission of the minister responsible for labour and without a contract endorsed by the labour inspector. The purpose of these two conditions is to prevent an excessive and

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

uncontrolled increase in the number of foreign workers. The existence of a written contract ensures that foreign workers can benefit from such protection as is provided for by law in respect of housing, travel costs for themselves and their family, etc. Migrant workers enjoy the same social advantages as nationals.

MALAYSIA

CONVENTION NO. 97

Sarawak

Labour Ordinance (Cap. 76)

Workmen's Compensation Ordinance (Cap. 80)

Under the Labour Ordinance, no person is permitted to employ any immigrant worker unless he has obtained from the Director of Labour a licence to do so.

The recruitment of immigrant workers is done by the employers themselves. An employer can employ a worker in the State for a specified period and in a specified place, occupation and industry as stated in his licence. An employer must produce the immigrant worker for attestation of contract, and the worker must have a medical certificate of fitness for employment in the occupation stated in the licence. No licence is issued for a period exceeding one year but the Director of Labour, Sarawak, may renew licences for up to one year. An employer is also required to repatriate the worker to his country of recruitment on termination of the contract. All wages or other remuneration due to an immigrant worker must be paid in full to him before he is repatriated.

An immigrant worker is also entitled to all privileges and benefits in terms of medical attention and treatment, accommodation, water supply, etc., to which a local worker is entitled under the Labour Ordinance and to workmen's compensation under the Workmen's Compensation Ordinance, in the event of industrial accidents.

No organised emigration of workers has been observed in the State.

RECOMMENDATION NO. 86

Sarawak

See under Convention No. 97.

Immigrant workers and their families are treated no less favourably than local workers and their families. There are no migrant workers as such in the State.

MIGRANT WORKERS

CONVENTION NO. 143

Sabah

The Labour Ordinance, No. 18 of 1949 (Cap. 67).

The Workmen's Compensation Ordinance, No. 14 of 1955.

The Trade Unions Ordinance, No. 23 of 1959.

Employees' Social Security Act, 1969.

The Employment (Restriction) Act, 1968.

Sarawak

Labour Ordinance (Cap. 76).

Workmen's Compensation Ordinance (Cap. 80).

Trade Unions Ordinance, 1959.

In Sabah the legislation covers practically all the matters dealt with in this Convention. The Labour Ordinance 1949 contains provisions relating to terms and conditions of employment for workers irrespective of their nationality. The Employment (Restriction) Act 1968 requires non-citizens to apply for an employment permit before taking up any employment and employers may employ only non-citizens with valid employment permits.

Organisations of employers and workers co-operate in the application of the legislation by giving advice to their members and by representations to the Minister of Labour through the National Joint Labour Advisory Council.

Under Section 119 of the Labour Ordinance of Sarawak, an employer requires a licence from the Commissioner of Labour before he can employ an immigrant worker. The contract must be attested by an officer of the Labour Department on a specified form and the worker must undergo a medical examination. The immigrant worker has to be repatriated at the expense of the employer to the place of origin or place of engagement, whichever is nearer the place of employment; this must be done every two years in respect of a worker who is not accompanied by his family and every three years for a worker accompanied by his family. The other provisions of the Ordinance, such as those relating to cancellation of contract by the Commissioner of Labour because of ill usage of the worker, hours of work, overtime, prescribed holidays, etc., also apply to immigrant workers, who are similarly entitled to workmen's compensation under the Workmen's Compensation Ordinance in case of industrial accidents. An immigrant worker can also join a trade union, but may not hold office or be a member of the executive of a trade union.

The policy of the State Government is that priority of employment should be given to Sarawakian workers. Only skilled immigrant workers are allowed to work in Sarawak and only when local workers for specific types of jobs are not available. The licence

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

is granted to a specific employer for a particular occupation. Transfer of workers is not permitted without the approval of the Commissioner of Labour.

Employers are required to employ local workers to understudy the immigrant workers. Since the employer is required to repatriate the immigrant worker on the expiry of the contract, the question of retraining of immigrant workers and the provision of alternative employment and registration by the employment service do not arise.

It is intended to replace the Labour Ordinance of Sarawak by the Employment Ordinance, 1955 and Employment Regulations, 1957 presently enforced in Semenanjung Malaysia, and to replace the Workmen's Compensation Ordinance by extending the Workmen's Compensation Ordinance, 1952, to the State.

RECOMMENDATION NO. 151

Sabah

See under Convention No. 143. Practically all the provisions of the Recommendation are covered by national legislation.

Sarawak

See under Convention No. 143.

MALI

CONVENTION NO. 97

Act No. 62-67 A.N.-R.M. of 9 August 1962 to promulgate a Labour Code (Journal officiel (JO), 15 October 1962, No. 128, p. 708) (LS 1962 - Mal. 1).

Act No. 62-68 A.N.-R.M. of 9 August 1962 to promulgate a Social Welfare Code (JO, 15 October 1962, No. 128, p. 749).

Decree No. 113/P6-RM of 3 September 1970 respecting the creation, organisation and operation of the National Committee for Mali Workers Abroad (JO, 15 September 1970, No. 336, p. 581).

According to sections 1 and 395, the Labour Code applies to alien workers legally employed in the country, irrespective of nationality, race, religion and sex. The provisions relating to wages, hours of work, overtime, paid leave, minimum age, apprenticeship and employment of women and children apply ipso iure to foreign workers. The latter also have the right to join freely the trade union organisations of their choice and enjoy the advantages afforded by collective agreements.

MIGRANT WORKERS

The Social Welfare Code likewise applies to foreign workers, irrespective of nationality, specifically as regards family allowances, maternity, sickness, employment injuries and occupational disease, old age and death.

Foreign workers also enjoy equal treatment with nationals in respect of taxes and contributions connected with their employment and collected on their behalf, as well as court cases and free legal assistance in the labour courts.

To the extent permitted by national legislation, migrants are allowed to transfer part of their earnings and savings to their country of origin.

Under section 367 of the Labour Code, all formalities at the National Manpower Office are free of charge. Section 359 stipulates that the Office is specifically responsible for operations for the immigration and repatriation of manpower from other countries. Moreover, the National Committee for Mali Workers is responsible for examining the problems of migrant workers and seeking solutions to them.

Bilateral agreements have been concluded with France in such areas as the employment and residence of wage earners and their families, the training and reinstatement of workers who have temporarily emigrated to France, and social security.

Although the provisions of the Convention relating to equality of treatment are, by and large, applied in Mali, essential administrative structures still remain to be created and the specific powers and duties of the migration control services defined before the Convention can be ratified.

RECOMMENDATION NO. 86

Mali has few immigrant workers.

The National Manpower Office is responsible for advising migrant workers and its services are free of charge.

No foreign worker may exercise a profession unless he possesses a written contract of employment endorsed by the competent authority. This contract, which must be obtained prior to the arrival of the worker in the country, stipulates inter alia the conditions in which the worker will be housed. It must be accompanied by a medical certificate testifying to the suitability of the worker for the proposed job.

The services of the Labour Directorate are responsible for verifying the conditions of employment of migrants as well as of other workers.

Migrants and their families are entitled to attend schools.

National legislation imposes no restriction or limitation on the right of migrants to be accompanied by or joined by members of their family, who may be authorised to take up gainful employment.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

National legislation does not provide for the possibility of deporting the migrant worker and the members of his family for reasons connected with his lack of sufficient financial resources or the situation of the labour market.

The cost of repatriating a migrant and members of his family is borne by the employer.

The provisions of the Recommendation may be taken into account on the occasion of the creation of a special migrant service and of the conclusion of agreements.

See also under Convention No. 97.

CONVENTION NO. 143

The illicit employment of migrants is kept to a minimum by means of the provisions of the Labour Code concerning the employment of alien workers (prior authorisation by the National Manpower Office and endorsement by the Labour Directorate) and the supervision and investigations conducted by the labour services in the enterprises. Section 372 of the Labour Code provides for penalties against employers who neglect to establish a written contract or to submit the contracts of foreign workers for endorsement by the Labour Directorate. Article 27 of the Code further provides that, if the employer omits either to draw up a contract in writing or to submit it to the proper authority for endorsement, the worker is entitled, in appropriate cases, to claim damages.

There are no general regulations concerning clandestine migration and the organisation of illicit movements of migrants. However, on the occasion of the conclusion of bilateral agreements, the necessary measures are taken to prevent and eliminate abuses of this nature.

Accordingly, article 3 of the Protocol signed with France on 11 February 1977, respecting the employment and residence of wage earners and their family, provides that each of the contracting parties must endeavour to detect and prosecute in its territory illegal practices in respect of the migration of its nationals for purposes of employment and practices of which nationals of the other party are the victim.

National practice is in accordance with the principal provisions of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). However, ratification of the Convention is dependent upon the introduction of the necessary legislation measures to suppress clandestine movements of migrants and movements of migrants in abusive conditions.

See also under Convention No. 97.

MIGRANT WORKERS

RECOMMENDATION NO. 151

As regards health protection, measures are taken to prevent any special health risks to which migrant workers may be exposed; the latter enjoy the same treatment as nationals as regards occupational safety and health and access to free treatment by the inter-enterprise medical centres.

In the event of unjustified dismissal, migrant workers have the same rights as nationals to appropriate indemnification.

A migrant worker leaving the country is entitled to any outstanding remuneration, including severance payments, to benefits which may be due in respect of any employment injury or occupational disease suffered, to compensation in lieu of any holiday entitlement acquired but not used, and to reimbursement of any social security contributions where no bilateral agreements exist with his country of origin.

Owing to the small number of migrant workers legally employed in the country, it is not at present necessary to take any special measures to follow up the Recommendation.

See also under Convention No. 97.

MALTA

CONVENTION NO. 97

Act No. XIV of 1955 to make provision for the establishment of an employment service (Government Gazette, Supplement No. XLIII, 27 May 1955).

Up to 1970 Malta had administrative provisions with Australia. These provisions used to be renewed on a yearly basis.

The Department of Labour and Emigration is concerned with migration problems. The Immigration Office of the Office of the Prime Minister is concerned with immigration.

To safeguard the employment of Maltese, the Government does not normally issue a Work Book to citizens of other nationalities.

At present it is not intended to adopt measures to give effect to those provisions of the Convention not yet covered by national legislation or practice.

CONVENTION NO. 143

There are no laws or administrative regulations giving effect to the provisions of this Convention. No modifications have been made in national legislation or practice.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Practically no migration in abusive conditions takes place from Malta. This is mainly due to the well-organised machinery provided by the Government for emigration purposes and co-ordination with the authorities of the immigration countries.

RECOMMENDATION NO. 86

In general emigrants from Malta enjoy more or less equality of opportunity and treatment with national citizens of the main receiving countries. They encounter few language difficulties as they go almost exclusively to Australia, Canada, the USA or the United Kingdom.

RECOMMENDATION NO. 151

There are no laws or administrative regulations in regard to this Recommendation. Migration in Malta takes the form of emigration rather than immigration.

MAURITIUS

RECOMMENDATION NO. 86

The Employment (Non-Citizens) (Restriction) Act, No. 15 of 30 April 1970 (Government Gazette (GG), 2 May 1970, No. 29, legislative suppl.)

The Employment (Non-Citizens) (Restriction) (Amendment) Act, No. 30 of 24 Nov. 1972 (GG, 25 Nov. 1972, No. 100, legal suppl.)

The Employment (Non-Citizens) (Restriction) Regulations 1973, Government Notice, No. 51 of 17 May 1973 (GG, 19 May 1973, No. 40, legal suppl.)

The Employment (Non-Citizens) (Restriction) Regulations 1978, Legal Notice No. 245 of 10 Nov. 1978 (GG, 18 Nov. 1978, No. 113, legal suppl.)

The Employment Service operates recruitment schemes for certain countries (e.g. Botswana, Nigeria, Zambia) and for specific skills. It advertises vacancies notified by overseas employers and helps them in the selection of emigrants as well as in the preparations for their departure.

Work permits are issued only to immigrants who possess specific skills in fields where local manpower is not available. One of the conditions attached to the issue of a work permit is that the migrant worker should train a local counterpart who would be able to take over on the expiry of his permit.

MIGRANT WORKERS

The Employment Service advises emigrants and their families on all the conditions relating to employment and living conditions. Every migrant who goes through the Employment Service enters into a contract with the employer where all the conditions of employment are specified.

Adequate accommodation is provided for immigrants by the employer. No vocational training is provided for immigrants, who are recruited in fields where there is a shortage of manpower.

Mauritian legislation provides for the transfer of currency and some migrants even enjoy income tax relief, whereas others may repatriate their capital without any restriction, especially those who have made local investments. No migrants are admitted on a permanent basis. The children of migrants have free access to schools and no fees are claimed from them.

There is no formal bilateral arrangement with countries of immigration, but the Employment Service sees to it that emigrants are qualified to perform the required work and undergo a thorough medical examination before leaving the country.

Facilities are provided to migrant workers to be accompanied or joined by members of their family.

According to the Employment (Non-Citizens) (Restriction) Regulations 1973, the wife and dependants of migrant workers must not seek or accept any employment or engage in any trade, or gainful occupation in Mauritius unless they are issued with the necessary authority. After five years' residence, a migrant worker and his family may claim Mauritian citizenship.

Supervision of the conditions of employment of immigrants is undertaken by offices of the Ministry of Employment and of the Immigration and Passport Division.

CONVENTION NO. 143

No distinction between migrants and nationals is made by any legislation.

There are no illegally employed migrant workers in Mauritius, nor is there any illicit or clandestine movement of workers. The Employment (Non-Citizens) (Restriction) Act, 1970, prevents the abuses referred to in Article 2, and lays down penalties for failure to comply with its terms.

If a migrant worker loses the job for which a work permit had been granted, he along with his family is returned to his country of origin. Prior to his return, the appropriate authorities make sure that all the terms and conditions laid down in the contract are respected. Work permits are issued to migrant workers to work with specific employers with the result that they do not have free choice of employment or the right to geographical mobility.

The contract is drafted with the consent of both employers and migrant workers with all the terms and conditions of employment. It

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specifies that in case of dispute the migrant worker can have recourse to the Mauritian court of justice. The cost of repatriation is borne by the employer.

There is no problem of illegal workers. Migrant workers legally residing in Mauritius are allowed to be accompanied by members of their families. Work permits are issued only to migrant workers with specific skills in fields where local manpower is not available, and for specific periods.

See also under Recommendation No. 86.

RECOMMENDATION NO. 151

The Employment (Non-Citizens) (Restriction) Act, 1970, does not provide for members of families of a migrant worker to take up employment in this country. A migrant worker issued with a work permit has no right to take up alternative employment unless he obtains prior government approval.

Employers provide migrant workers with housing accommodation, transport facilities as well as educational and health facilities. Some of them also enjoy a sort of income tax relief which is not applicable to nationals. Other measures as regards reunification of families, protection of health of migrants and social services are also provided.

See also under Recommendation No. 86.

MEXICO

CONVENTION NO. 97

Constitution, 1917.

Federal Labour Act of 2 December 1969 (Diario Oficial (DO), 1 Apr. 1970, No. 26) (LS 1969 - Mex. 1).

General Population Act, 1974.

Social Insurance Act of 22 February 1973 (DO, 12 Mar. 1973, No. 8) (LS 1973 - Mex. 1).

Sections 25 and 28 of the Federal Labour Act list the conditions under which Mexican workers can be recruited for work outside the country. They stipulate that the conditions of work must be in writing, that the costs of transport and repatriation must be defrayed by the employer, that the latter's residence for legal purposes must be in Mexico and that the document containing the conditions of work must be submitted for approval to the corresponding conciliation and arbitration board. These provisions thus outline the general framework for the recruitment of migrant workers.

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Articles 78 to 80 of the General Population Act contain a number of conditions to be fulfilled by persons wishing to emigrate: proof of identity, proof of age (voting age), proof that the emigrant fulfils the requirements imposed by the country of destination. In addition, migrant workers must be able to show that they have been recruited for a definite period by their employer and at a sufficient wage to meet their needs. The Act further stipulates that collective recruitment of workers must be supervised by officials of the Ministry of the Interior.

Article 62 of the General Population Act also requires foreigners settling in Mexico to present an official certificate of good health.

With regard to equality of treatment for immigrants, articles 1 and 33 of the Constitution stipulate that every individual enjoys the guarantees granted therein. Article 123A.VII states that equal wages shall be paid for equal work, regardless of sex or nationality. Section 56 of the Federal Labour Act likewise provides that no difference shall be made between workers on grounds of race, nationality, sex, age, religious persuasion, political opinions or social status.

Social security legislation makes no distinction based on nationality for the granting of its services.

The authorities responsible for applying the country's legislative provisions on the subjects dealt with in the Convention are the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Welfare and Mexican Social Security Institute.

Collaboration with employers' and workers' organisations takes the form of written communications concerning the matters dealt with here and informal meetings with their representatives.

Apart from the Constitution, all the other juridical texts referred to are of more recent date than Convention No. 97 although, as already stated, these new laws do cover some of the points raised in it.

In the event of Mexico's ratifying Convention No. 97, the problem of its application would arise in connection with the flow of Mexican workers across the country's northern border which, despite the provisions contained in Mexico's various legal instruments, is very often outside government control, principally because of the great length of the northern frontier and the tremendous demand for Mexican manpower, particularly in the agricultural sector.

Another basic factor which has delayed or prevented the ratification of Convention No. 97 is the absence in the text of any provision with respect to undocumented migrant workers. The Convention applies only to workers whose situation is legal. The Government of Mexico considers this to be a serious shortcoming of the Convention, since it can only be ratified by countries which receive a large number of migrants but in which, were the Convention ratified, workers entering the country without official documents would forfeit the rights that are listed in detail in the Convention.

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RECOMMENDATIONS NOS. 86 AND 151

Under these circumstances and considering that there is no large-scale immigration into Mexico, there are at present no plans to adopt additional measures with a view to the application of the provisions of Convention No. 97.

CONVENTION NO. 143

With regard to the control of the flow of migration, a chapter of the General Population Act provides for penalties for persons who introduce or attempt to introduce foreigners illegally into Mexico. It also provides for penalties for persons who recruit Mexican nationals to work abroad, for their own account or for the account of a third party.

The General Population Act further requires employers to provide information on foreigners in their employ. In the event of any anomalies being found in the migrant status of a foreign worker in the service of an employer, the latter is obliged to defray the cost of the person's repatriation. Where the penal responsibility of the employer is involved, he may, under the Federal Code of Penal Procedures, produce proof of his good faith.

In addition to establishing equality of opportunity for legally recruited foreign workers, they are also permitted under Mexican law to take legal action and, where they have been deprived of their acquired rights, to put their case before the competent courts.

There are no plans at present to take measures with a view to applying the provisions of the Convention that are not already covered under Mexican legislation.

The Government of Mexico points out that, under its constitutional system, both demographic and migration policy and labour policy are within the competence of the federal authorities.

See also under Convention No. 97.

RECOMMENDATION NO. 86

Mexican legislation covers many of the points raised in the Recommendation. There are therefore at present no plans to introduce additional legislative provisions.

The Government does not at this point wish to suggest any modifications to the Recommendation.

RECOMMENDATION NO. 151

Existing provisions concerning migrant workers relate essentially to Mexican workers offering their services abroad. The

MIGRANT WORKERS

Mexican Government is particularly concerned that Mexican nationals employed abroad should receive assurances that their working conditions, travel arrangements, remuneration, etc. are equivalent to those guaranteed under Mexican law.

Migrant workers and the members of their families who are legally employed in Mexico receive equal treatment with nationals.

The fact that a worker has entered the country legally or illegally does not affect his labour rights. To be more precise, a distinction is drawn between his status as a worker and his status as an immigrant. As a worker, a person who has worked for an employer is entitled to his wages, to any compensation due to him in the event of an accident and to any other benefit accruing to him under the law, whether he entered the country as a legal immigrant or not. As an immigrant, on the other hand, a worker's status is different, not because of the fact of his being employed but because obviously no person can be allowed in a country unless he meets the normal legal requirements.

Social policy

The volume of foreign workers taking up employment in Mexico is extremely small.

Employment and residence

As a developing country, Mexico cannot allow foreigners to stay in the country if they have no reliable source of income. Consequently, the continued presence in the country of a foreigner who has lost his employment poses a problem.

Workers who leave Mexico after having been employed there are entitled to any outstanding remuneration for work performed, benefits due in respect of any employment injury suffered and compensation in lieu of any holiday entitlement acquired but not used, as stipulated in Paragraph 34(1) of the Recommendation.

Given the country's current level of socio-economic development, no immediate measures in respect of the provisions of the Recommendation are called for.

MONGOLIA

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

There are no migrant workers in the country for the purposes of the four above-mentioned instruments.

MOROCCO

CONVENTION NO. 97

Decree of 12 August 1913 to promulgate a Code of Obligations and Contracts (Bulletin officiel (BO), 12 Sep. 1913, No. 46, p. 132).

Decree of 15 November 1934 to issue regulations respecting the immigration of workers into Morocco (BO, 23 Nov. 1934, No. 1152, p. 1170) (LS 1934 - Mor. 1), as amended and supplemented by the Decrees of 18 Jan. 1939, 24 Aug. 1941, 21 Feb. 1951 and 9 Aug. 1952.

Decree of 8 November 1949 to issue regulations respecting the emigration of Moroccan workers (BO, 6 Jan. 1950, No. 1941, p. 11).

Order of the Minister of Labour and Social Affairs of 17 April 1979 to extend the legislation respecting emigration in force in the southern zone to the former Spanish protectorate zone and to the province of Tangiers (BO, 9 Oct. 1959, No. 2450, p. 1690).

Order of the Minister of Labour and Social Affairs of 25 December 1964 to prescribe the form of contract of employment provided for under the Decree of 15 November 1934 (BO, 3 Feb. 1965, No. 2727).

In accordance with the Decree of 15 November 1934, persons immigrating into Morocco in order to engage in any occupation must be in possession of a contract of employment countersigned in advance by the Ministry of Labour, the form for which is prescribed by an Order.

The Decree of 8 November 1949 provided for the creation at the Ministry of Labour of an Emigration Service responsible, inter alia, for centralising the requests for employment of Moroccan workers for all countries.

This Emigration Service is broadly responsible for all administrative operations with respect to emigration, in co-operation with the local services. Specifically, it frames agreements with the manpower services of all countries and with accredited employers or employers' associations, ensures that such agreements contain protective clauses, controls the fulfilment of the conditions stipulated and makes arrangements for selection according to occupational and health criteria and for the departure of emigrants.

Bilateral manpower agreements have been concluded with France, Belgium, Holland, Federal Republic of Germany and the Libyan Arab Jamahiriya and social security agreements with France, Belgium and Holland.

In the light of the present situation of national legislation and practice, it has not been deemed necessary to make any changes in order to implement the provisions of the Convention.

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CONVENTION NO. 143 RECOMMENDATIONS NOS. 86 AND 151

See under Convention No. 97.

NETHERLANDS

RECOMMENDATION NO. 86

The recruitment agreements that have been concluded by the Netherlands with a number of countries meet some of the provisions of the Recommendation. For instance, housing is provided for recruited workers on their first arrival in the Netherlands. The Netherlands bureaux dealing with manpower, in co-operation with the corresponding services in the countries of origin, exercise supervision on recruitment and conditions of employment. Labour contracts are drawn up in a format prescribed by the Netherlands Government. These contracts are always made up both in English and in the official language of the country of origin.

In the so-called Statute of Public Housing, special mention is made of the accommodation requirements created by immigration and related family reunion. The building or allocation of dwellings is in the hands of the local authorities. In this connection not the nationality but the degree of urgency or demand play a role. Foreign workers are in competition with other house-hunters and the degree of their integration (language, etc.) may contribute to factual arrears. It is no longer necessary to provide foreign workers with food and clothing on arrival, because the Netherlands have practically stopped recruiting foreign labour.

In connection with foreign exchange regulations affecting migrant workers, the exchange of foreign currency is in principle free. There is no restriction on the usual financial transactions of workers permanently or temporarily residing in the Netherlands.

Children of migrant workers, like their Netherlands contemporaries, are subject to the Compulsory Education Act (for the time being from 6 to 16 years). Although the problem of non-attendance requires the specific care of the municipal authorities, other bodies (foundations for foreign workers, the Ministry of Education and Sciences, educational inspection) co-operate to solve this problem. All educational provisions are equally open to foreign as well as Netherlands residents. In order to advance the possibility for children of migrant workers to benefit from educational facilities existing in the Netherlands, the Government has made special provisions, such as the appointment of extra teachers (Netherlands as well as foreign), the aid of schools by specialists on teaching these children, development of adapted educational aids and appliances, specific schooling of the teaching staff for working with these children.

Eighteen regional foundations and one national foundation on behalf of foreign workers are fully subsidised by the Ministry of Culture, Recreation and Social Work. These foundations guard the interests of foreign workers also in respect of recreation and well-being.

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RECOMMENDATIONS NOS. 86 AND 151

The reception of groups of migrants is primarily co-ordinated by the Ministry of Culture, Recreation and Social Work. The Chief Medical Inspectorate for Public Health lends assistance in incidental cases. This assistance includes co-ordination of the control of infectious diseases, reception by medical services and assistance by general practitioners.

The supervision of the observance of labour legislation is carried out by the Labour Inspectorate. It may be assumed that officials of this Inspectorate, when visiting enterprises, will pay special attention to the working circumstances of vulnerable groups such as young workers, foreign workers, etc.

CONVENTION NO. 143

Act dated 20 February 1964 to make rules for the performance of work by aliens (Staatsblad, No. 72).

Under the Act concerning Work Permits, 1964, employers are not allowed to employ aliens who are not in possession of a work permit. As a rule, the permit is, in the first instance, granted for a period of one year, and can be extended by periods of one year. The permit is always granted for performing work with an employer mentioned by name. After five years' legal residence and employment, the permit can be converted into a permanent permit, which is neither restricted to period nor to employer. Under the present Act both the employer and the illegal worker himself are punishable. In practice, however, no action will be brought against the illegal worker.

Regarding the wages and other conditions of employment of illegal foreign workers, a contract of employment brought about without the required permit is nevertheless a legally valid contract. Thus, the employer is bound by collective labour agreements vis-a-vis such workers. When there is no collective labour agreement, the employer is under the obligation to adhere to the statutory minimum conditions of employment (e.g. regarding duration of leave). In case of dispute, the worker can bring his case before the competent body.

Government policy is aimed at promoting equality of treatment of foreign workers in the field of wages and other conditions of employment and freedom of association. The holder of a permanent work permit is regarded as fully integrated in the Netherlands labour market. As such, he is treated on an equal footing with Dutch nationals. The legislation concerning contracts of employment, wages and other conditions of employment holds equally for Dutch nationals and others. Special provisions dealing with religious holidays, attending language courses, family reunion, and other matters for foreign workers are incorporated in an increasing number of collective labour agreements.

Information services for foreign workers are provided by the foundations for foreign workers, which help maintain national and ethnical identity and cultural ties. Children of migrant workers at

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schools for ordinary elementary education may receive instruction in their own language and culture. Children are offered an opportunity to receive bicultural education.

The new Labour Act for Foreign Workers will become effective in 1979. Major alterations as compared to the existing situation are the following: the permit will no longer be granted to the worker but to the employer; the period after which the worker will obtain the same rights as Dutch nationals on the labour market will be reduced from five to three years; the threat of punishment against the illegal worker will be lifted; the penal sanction against the employer will be augmented; enforcement of the law is assigned to the Wages Inspectorate, which will be expanded for this purpose.

In the field of equal treatment of legal as well as illegal migrants as to social security no modifications have been made.

The Government has not ratified the Convention because it reserves the right to set restrictions for a limited number of years in respect of the rights of foreign workers, in particular as regards matters such as security of employment, supplementary employment and retraining.

Migrant workers illegally residing in the Netherlands receive for themselves and their families the same treatment in respect of entitlement to social security emanating from previous wage-earning occupations, except for the application of the Unemployment Assistance Act, which provides for unemployment benefits entirely financed from public funds payable to workers who have no entitlement to benefits from the unemployment insurance or have received the maximum benefits to which they are entitled. Aliens must have been legally residing in the Netherlands for at least nine successive weeks immediately preceding their unemployment to obtain benefits under this Act. Migrant workers legally residing on Netherlands territory are entitled to equal treatment in respect of social security. There are a few exceptions regarding advantages not based on payment of contributions. Bilateral agreements concerning social security have meanwhile been concluded with all recruitment countries by virtue of which the nationals of these countries are placed on a level with Dutch nationals. Furthermore, nationals of member States of the European Communities have been placed on a level with Dutch nationals. In view of the fact that the non-conformity of the Netherlands legislation - in the field of social security - with the provisions of the Convention concerns advantages not based on payment of contributions, no further measures are foreseen.

RECOMMENDATION NO. 151

The following information supplements that provided under Convention No. 143. Membership of trade unions, exercising trade union rights and membership of works councils, etc. is open to foreign workers to the same extent as to nationals. An active policy is being pursued for the renovation and/or new construction of dwelling units for one- or two-person households (separate programming, separate subsidy arrangements, etc.). Foreign workers

receive the same treatment as nationals with respect to living conditions, social services, education and health care. In practice, foreign workers meet with obstacles, e.g. obstacles inherent in an inadequate command of the Netherlands language in speaking and writing.

In the legislation concerning entitlement to treatment by public health institutions, Health Insurance Act and the Exceptional Medical Expenses (Compensation) Act, no distinction is made between the migrants and the Dutch nationals. The Sick Fund Council, in which the main workers' organisations are represented, supervises the correct implementation of these Acts. Language and culture barriers may however present serious obstacles to equal access in fact to the available health facilities. Especially in view of these problems the Advisory Agency for Medical Care of Foreign Workers was set up in 1972 to advise the Secretary of State for Public Health and Environmental Control. As a result of one of its recommendations, in 1977 a start was made with the setting up of regional interpreter centres, whose functioning is at present being evaluated. Furthermore, the Instruction Centre for Health Care for Foreigners of the National Centre for Medical Care and the Netherlands Red Cross has now been in operation for some time.

To assist children of migrant workers, the Ministry of Education and Sciences finances special educational aids and additional teachers to enable them to learn the Dutch language as quickly as possible. Foreign workers and their families legally residing in the Netherlands have the same cultural rights as nationals.

If the foreign worker spends his holiday with pay in his country of origin, his contract of service including the related acquired rights will continue. If he wishes to make such a visit outside the annual holidays, there is, however, no statutory entitlement to continuation of the contract of service; this should be arranged in joint consultation between employer and worker.

It is not possible to establish whether in every enterprise employing migrant workers training and instruction on occupational safety and hygiene are given and, if so, whether such instructions are adequate. In an appreciable number of enterprises due attention is given to the subject of safety, either in writing or verbally (where necessary with the aid of an interpreter), or both.

Foreign workers can make use of the institutions for social service under the same conditions as nationals. In practice, however, foreign workers are at a disadvantage on account of inadequate command of the Dutch language and differences in culture. Foreign workers therefore receive assistance from social workers employed by the regional foundations for foreign workers. The intention is that in the future the general institutions for social service will be equipped for lending assistance to foreign workers. For this purpose some experiments have already been set up.

No services are rendered directly by employers' organisations to migrant workers. These organisations can, however, be involved in organising such services. As an example there is an employer member on the board of a foundation for the promotion of the well-being of migrant workers. Such an employer usually represents a

MIGRANT WORKERS

local association of entrepreneurs, and may also represent a nation-wide branch organisation. The participation of employers' representatives in advisory committees, etc. inter alia, on a nation-wide level, may perhaps be mentioned in this connection.

A foreign worker, in common with nationals, is entitled to take a case to court in the event of unjustified dismissal. Furthermore, a foreign worker cannot be dismissed without the consent of the Director of the Regional Employment Office. Migrant workers who leave the Netherlands retain their entitlement to employment injury benefit irrespective of whether or not they were legally residing in the Netherlands. Just as with nationals, remuneration in cash for leave that has not been taken is only possible at the end of the contract of service. The Netherlands social security legislation does not provide for refunding of contributions paid. Rights emanating from payment of contributions are also honoured abroad, irrespective of the nationality of the claimant. Agreements concerning social security have been concluded with all recruitment countries. These agreements provide in many cases for the granting of rights from risk insurances to migrant workers after return in their country of origin.

In view of the fact that, as far as social security is concerned, non-conformity with the provisions of this Recommendation occurs in the field of advantages not based on payment of contributions, no measures are foreseen to give effect to the provisions of the Recommendation not yet covered by legislation or national practice. In Paragraph 2, under (f), and Paragraph 8(3) of the Recommendation, as far as equal treatment in the field of social security is concerned, it should be possible to exclude advantages not based on payment of contributions.

NIGER

CONVENTION NO. 97

Act No. 62-12 of 13 July 1962 for the institution of a Labour Code (Journal Officiel (JO), 25 Aug. 1962, special issue), as amended by Act No. 66-010 of 20 January 1966 (JO, 1 Feb. 1966, No. 3).

Decree No. 67-126/MFP/T of 7 September 1967 prescribing regulations for the administration of the Labour Code, as amended by several decrees, the latest being dated 3 February 1977.

Inter-occupational collective agreement of 15 December 1972 (JO, 10 May 1973, special issue No. 2).

Migrant workers are covered without discrimination by the provisions of the laws and regulations applicable to labour matters (subsections 1 and 2 of section 1 of the Labour Code).

A National Manpower Service - the sole authority empowered to place workers in employment - handles free of charge the operations of introduction and repatriation, the transfer of savings, the establishment of files and the issue of work cards to migrant workers.

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It is prohibited to offer or hand over to any person forming part of this service, and for any such person to accept, a reward for services rendered in any form whatsoever.

As a general rule, migrant workers have a contract of employment, which, after they have been medically examined, is submitted to the Manpower Service for visa.

Every worker, irrespective of his nationality, is free to establish a trade union and to join the trade union of his choice (section 4 of the Labour Code).

It is prohibited for employers to engage or refuse to engage a worker or to provide or not to provide him with social benefits on account of his membership of a trade union or the exercise of a trade union activity.

No distinction is made between nationals and foreigners as concerns remuneration. In effect, section 90 of the Labour Code stipulates that "under equal conditions of work, occupational skill and output, the wage shall be the same for all workers, irrespective of their origin, sex, age and status".

Migrant workers may freely transfer part of their earnings and savings to their country of origin.

Sections 190, 202 et seq of Decree No. 67-126 of 7 September 1967 prescribe the conditions under which workers not domiciled in the place of employment (nationals and foreigners) are to be provided with food and accommodation if they are unable to procure them by their own efforts. The premises to be allocated to them must conform to certain minimum standards, and so must the daily food ration.

Migrant workers are covered by the provisions of the laws and regulations relating to occupational risk insurance on the same terms as nationals (occupational diseases and employment accidents, family allowances, etc.).

Two agreements protect the movements of migrant workers and guarantee their rights at the international level. These are, at the multinational level, the OCAM Convention on Social Security, and at the bilateral level, the agreement on the exchange of manpower between Niger and Libya. Within the context of the West African Economic Community (CEDAO) and the Economic Community of West African States (ECOWAS), it is expected that Conventions will be adopted shortly on freedom of movement of persons and property, and on freedom of residence.

The Minister of the Civil Service and Labour, the Minister of Public Health and Social Affairs and the Keeper of the Seals (Minister of Justice) are responsible, each within his own area of competence, for supervising the application of the provisions of the laws and regulations with respect to labour matters.

The Labour Inspectorate is responsible for supervising the application of the provisions enacted with respect to labour matters and the protection of the workers.

MIGRANT WORKERS

The employers' and workers' organisations are called upon to co-operate in the application of the labour laws and regulations by participating in the Labour Advisory Board and the Technical Advisory Committee on Health and Safety.

CONVENTION NO. 143

Under the laws and regulations in force, every migrant worker is entitled to his civil and civic rights and to freedom of expression, opinion and worship.

Migrant workers are able to take action to uphold their rights, on the same terms as nationals, before the competent bodies, i.e. the labour courts, which deal with all problems relating to the application of the labour laws and regulations, the implementation of contracts of employment and conditions of employment.

Employers must notify the Manpower Service of their manpower needs.

No migrant workers may be introduced into the country, engaged or re-engaged except through the intermediary of the National Manpower Service.

The labour inspectors and supervision officers are responsible for ensuring that use is made of migrant labour under proper conditions. Any fraudulent utilisation of migrant workers is punishable by a fine, or imprisonment in the case of a second offence.

Migrant workers are entitled, without any discrimination based on nationality, race or religion, to the same social advantages as are prescribed for nationals under the legislation in force.

They may also avail themselves of the services and assistance of the National Social Security Fund as concerns employment injury prevention and compensation and family allowances.

In practice, migrant workers are entitled to send home a substantial part, if not all, of their earnings; if it should happen that, for one reason or another, a migrant worker is expelled by the Government of Niger, the latter bears the cost of his expulsion.

In accordance with its policy of full employment and protection of the national labour force, the State of Niger has drawn up a list of occupations which may not be exercised by aliens and another list of activities engagement in which by non-nationals is subject to restrictions. Generally speaking, recourse is only had to foreign labour when the national labour force is not in a position to meet the needs of the country's undertakings.

A draft agreement on the exchange of manpower between the People's Republic of Benin and the Republic of Niger is under consideration.

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NIGERIA

RECOMMENDATION NO. 86

Labour Decree, No. 21 of 29 May 1974 (Official Gazette), 6 June 1974, No. 28, Supplement, p. A63) (LS 1974 - Nig. 1).

In Nigeria, emigration is not commonly practised. However, where this exists, adequate provisions are made which cover almost all the points raised in the Recommendation. Under section 22(1) of the Labour Decree, Nigerians may be recruited for employment by holders of an employer's permit or recruiter's licence. Under section 23(3) of the Decree, where the work is to be performed outside Nigeria, the Commissioner of Labour may require the government of the place where the work is to be performed to certify that the applicant is a fit and proper person to be granted a permit.

Provisions are made for the migrants to be medically examined before departure, for them to be accompanied by members of their families, for health facilities and repatriation at the expense of the employer. Arrangements are also made for the deferment of part of the wages of migrant workers.

If Nigeria is to supply a sizeable number of workers to work for a government outside the country, a treaty is entered into after due consideration of the effect of such migration on the economy of the country; an example is the International Agreement entered into between Nigeria and the Government of Equatorial Guinea. That Treaty has, however, been abrogated. The agreement made provision for the general welfare of the migrants to and from Equatorial Guinea, while they were in that country, as well as stating conditions regarding accommodation, wages, medical facilities, transport, etc. to be fulfilled by the host country. The Nigerian government officials saw to the welfare of the migrant workers in that country.

In Nigeria, immigration is widely accepted without any discrimination in whatever form. To facilitate migration, schools provided are for both nationals and migrants and members of their families. Migrants have access to recreation and welfare facilities.

CONVENTION NO. 143

Immigration Act, 1963.

There are legislative and administrative provisions covering some of the matters dealt with in the Convention. Migrant workers may be employed on contract, which is renewable. Their interests are protected by the national policy of non-discrimination in employment. Workers, whether migrant or nationals, are free to join any trade union of their choice and are not penalised for joining or refusing to join any trade union.

MIGRANT WORKERS

The Federal Ministry of Labour is entrusted with the employment aspect of migrant workers while the Ministry of Internal Affairs checks the influx of migrant workers into the country. Only persons qualified in fields with a limited number of qualified nationals are invited to take up employment in the country. This is in the interest of nationals. Where it comes to the notice of the appropriate authorities that there are illegally employed migrant workers in the country, the case is investigated and offenders prosecuted in accordance with the Immigration Act of 1963 which states that "no person other than the citizens of Nigeria shall take up employment in the country except with the consent in writing of the Chief Federal Immigration Officer".

The ratification of the Convention may be delayed because this country has no problems with migrant workers.

RECOMMENDATION NO. 151

The Labour Decree, 1974, draws no distinction between migrant workers and nationals, who receive equal treatment in employment.

As regards the protection of the health of migrant workers there are factories inspectors who go on inspection to see that workers generally are protected from accidents and diseases and give talks on accident prevention generally. An example of provision made for the well-being of Nigerian workers who are to be recruited for employment outside this country is the obligation on the employer to be in possession of an employer's permit and, for a recruiter, a recruiter's licence. Where a bilateral agreement has been entered into by Nigeria and another country, certain obligations have to be complied with by the host government. These include: the right of a worker to be accompanied by his family; medical examination to determine that a worker is fit to perform the work for which he is recruited; one free day of work in each week; the method of payment of wages due to a worker; repatriation at the expense of employer; welfare of the worker during journey to and from country, etc. where contract is to be executed.

NORWAY

RECOMMENDATION NO. 86

Aliens Act, dated 27 July 1956 (Norsk Lovtidend, 22 August 1956).

Norway has for several years pursued a restrictive policy on immigration and will continue to do so in the period ahead. It is not, therefore, in a position to contribute to facilitating the international distribution of manpower or to facilitate migration. The exception here is the reunification of workers with their families, which it is Norwegian policy to facilitate. Up to now lack of housing has represented the greatest obstacle to this policy.

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On the other hand a long series of measures have been initiated in Norway to ensure that those immigrants who are here enjoy the best possible conditions and the widest possible equality of status with Norwegian nationals. Important fields, such as working life, social security benefits, the health and education sector etc. are regulated by predominantly non-discriminatory laws. In cases where discriminatory treatment is fixed by law, work is being done to remove it. Certain provisions applying to pension payments are currently undergoing revision in order to provide better coverage of the immigrants' situation. Immigrants from developing countries (but not from industrialised countries) have the opportunity to take up a study loan (covering all education beyond basic school) on an equal footing with Norwegian nationals. A government-appointed committee is examining the Aliens Act, partly from the point of view of assessing the security that it provides under the law.

The extensive formal equality of status has not been sufficient to ensure equal conditions in practice for immigrants. Central and local government authorities have initiated measures specially geared to immigrants. A government-run company for immigrant housing has been set up, to acquire, refurbish and lease dwellings to immigrants. An immigrant secretariat has been established in the Ministry of Local Government and Labour, which has co-ordinating and initiative-taking functions vis-à-vis central and local government authorities and administers a sum for special measures for immigrants. An agency has been set up to advise the authorities on immigration matters where fundamental principles are involved, and also an interdepartmental co-ordinating committee with functions of a more practical nature. The Immigration Secretariat functions as secretariat for the two agencies.

Special immigrant advisers have been appointed in certain communes, to act as a link between immigrant groups and the local authorities. Another important task is to engage in activity aimed at creating positive attitudes to immigrants. In Oslo, which has by far the majority of the immigrants from non-industrialised countries, a special health and social welfare centre and a special employment office have been set up. The latter administers an interpreter service for Oslo and surrounding communes. The communal housing administration has been reinforced by special staff assigned to assist immigrants in Oslo.

Immigrants of over compulsory school age are offered free instruction in Norwegian. An agreement between the Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation gives migrant workers the opportunity of taking two lessons a week in Norwegian during paid working hours. Instruction in the mother tongue is offered to a certain extent for children of compulsory school age, alongside special instruction in the Norwegian language. Aliens are placed on an equal footing with other applicants when it comes to vocational training and schooling.

In a number of communes informal meetings are arranged for migrant women to help them to accustom themselves to their new environment and to further develop their own language and culture; play activities or instruction are provided for their children. Of late a certain amount of effort has been invested in activity aimed at creating positive attitudes to immigrants.

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Under the Aliens Act of 27 July 1956, the police may expel any alien who allows himself to go unemployed or idly drifts around without being able to give evidence of a lawful occupation. The provision is interpreted so that only a lack of volition to take on work may be cited as grounds for expulsion, not a lack of capacity. Thus, being out of work through no fault of one's own does not provide a basis for expulsion.

Under the Aliens Regulations the Government Aliens Office may amend a work permit for manpower-related reasons. However, this is not done in practice. The Regulations expressly state that in the case of a work permit issued for a period in excess of a year, or indefinitely, withdrawal may not take place on grounds of developments in the Norwegian labour market.

CONVENTION NO. 143

Act No. 9 of 27 June 1947 on measures to promote employment (LS 1968 - Nor. 2, Consolidation), amended by Act No. 70 of 19 June 1970 (LS 1970 - Nor. 2) and Act No. 83 of 18 June 1971 (LS 1971 - Nor. 3).

Act No. 4 of 4 February 1977 on workers' protection and the working environment (Norsk Lovtidend (NL), Part I, 14 February 1977, No. 4) (LS 1977 - Nor. 1).

Act No. 65 of 10 June 1977, respecting public servants (NL, Part I, 24 June 1977, No. 18).

Act No. 18 of 30 May 1975 respecting seamen (NL, 9 June 1975, No. 16) (LS 1975 - Nor. 1).

Act No. 3 of 19 December 1958 respecting the conditions of employment of agricultural workers (NL, 27 January 1959).

The Convention has been ratified by Norway with exclusion of Part I.

As concerns Articles 1 to 6, attention has been given to the question of whether the rules on jurisdiction contained in section 12 of the Penal Code present an obstacle to the effective implementation of Part I by Norway. It has been concluded that this is not the case.

As regards Article 6, paragraph 1, section 24(e) of the Aliens Act and section 76 of the Regulations require the employer to notify the police of any alien whom he takes into his service, prior to commencement of employment. Violation, whether wilful, or through negligence, may, under section 30 of the same Act, be punished by fines or imprisonment. The employer is not required to check the papers of aliens, but this can have no bearing on the case so long as employment is not able to commence until the police have authorised it.

The criminal nature of transporting or assisting in the transportation of immigrants in defiance of the regulations for entry, or arranging work privately, with or without pay is provided for in the Aliens Act and the Employment Act.

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As regards the detection of illegal employment, it is one of the police's ordinary tasks to track down illegal immigrants. No special statutory provisions are required for this purpose, and the general rules applying to the activity of the police should suffice to fulfil the requirements of the Convention.

Sanctions can only be imposed on the employer of an illegal immigrant if he omits to report the employment in question prior to the commencement of work. In cases where the employer actually reports such employment there are no sanctions available, but through the report the authorities are enabled to prevent employment of the illegal immigrant prior to his beginning work. The organisers of migration for employment are, according to circumstances, punishable under both the Aliens Act and the Employment Act. Thus it may be stated that the requirements of the Convention are fulfilled in these respects.

With regard to Article 8, the rules concerning termination of employment apply in the same way to Norwegian and migrant workers, except as regards seafarers who must be Norwegian nationals or be resident in Norway in order to be covered by the relevant provisions of the Seamen's Act, 1975. An alien employed on a ship in domestic trade will, therefore, not necessarily receive the same treatment in this sphere as the country's own nationals, since the question rests on an assessment of his conditions of residence. There is however power to extend the relevant legislation to such persons by regulations.

As regards Article 9, paragraphs 1 and 10, by and large persons who are resident and/or work in Norway have the same national insurance coverage regardless of nationality. However, the National Insurance Act contains rules for so-called "over-compensation", i.e. a more favourable calculation of additional pension rights for persons born before 1936. Stricter requirements apply for foreign nationals than for Norwegians as regards acquiring the right to such "over-compensation", and it is not proposed to change them. The question whether aliens have immigrated legally does not represent a condition for the granting of social benefits, pay, etc.

Doubt has been raised as to whether section 27 of the Aliens Act, under which any alien who in pursuance of the Act is conducted out of the Kingdom is obliged to pay the expenses thereof, is compatible with Article 9, paragraph 3 of the Convention.

The question of amending it so as to enable the ratification to cover the entire Convention is presently being considered by the Aliens Act Committee established to examine the Act and submit proposals for a new Aliens Act.

Doubt has been raised as to whether Norway will be in a position to fulfil the requirements in Part II of the Convention in that it holds the view that the rules of the Convention will be more difficult to put into practice in respect of short-term employment of less than three months. Article 11 of the Convention does not except those who come to Norway under section 52 of the Aliens Regulations, or whose work is of such a nature or duration as not to require a work permit. The first case mainly concerns young aliens in holiday employment. They are covered by the same social security

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benefits etc. as other migrant workers. A number of other groups who do not need work permits, and the supervision of which therefore becomes difficult, are explicitly excepted from the Convention. On the basis of this clarification the assumption is that Article 11 will not represent any obstacle to Norwegian implementation of the Convention.

In relation to Article 12, paragraph (f), numerous training schemes and cultural measures have been introduced for immigrants.

As a result of the decision regarding the reunification of families there has been a steady influx of foreign language pupils to basic (elementary or primary) schools, even after the implementation of the immigration freeze. Budget figures have risen in keeping with the increase in numbers of pupils. Of the NOK 13.1 million appropriated for 1979 it is provided that NOK 3 million shall go to instruction in the mother tongue of immigrants. The Ministry of Church and Education has issued a circular dealing exclusively with instruction in the mother tongue. This covers basic principles and contains suggestions concerning the implementation of this kind of instruction in practice. The majority of teachers have teachers' training from their home country, but persons with other educational background may also be utilised in such instruction. Other measures include a course for bilingual teachers, the preparation of teaching plans for mother-tongue instruction in three languages and the appointment of an adviser on instruction for foreign-language pupils in the Basic School Council's secretariat.

Television and radio programmes are produced for immigrants and it is planned to expand these programmes and to introduce television teaching. Importance is also attached to programmes presenting immigrants and questions concerning them to the general public.

Government appropriations to library services for alien workers were granted for the first time in 1975 and, including the present year, total appropriations have reached a figure of about NOK 700,000.

At central government level a number of ministries have a partial responsibility with regard to other cultural measures. Apart from the special grants to once-for-all projects and to the operation of immigrant organisations administrated by the Ministry of Local Government and Labour, immigrant projects and activities will be able to receive support by way of cultural items of a more general nature, including Central Government grants for local and regional cultural work.

The majority of the immigrants come from a culture that has close ties with Christianity. The Ministry of Local Government and Labour has appointed a committee that is to assess the need for an official interpreter service which will enable them to participate in religious communities that are already established. Among non-Christian religions Islam has the greatest representation with about 10,000 persons (Muslims). Among Hindus and Sikhs there are about 500 from each group. Registering Muslims in Norway has now started in order to obtain authorisation for this religious community. All registered religious communities receive a government grant. The Ministry of Local Government and Labour has initiated co-operation

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with Oslo Municipality with a view to establishing a religious centre for Muslims. Oslo Municipality has set aside a site for a mosque with an apartment culture centre. The aim is to finance the building partly through government grants.

Immigrants are included in a number of county cultural plans as target groups but little specific has been done in this area. This year contact conferences have been held in co-operation with immigrant organisations as part of the development of cultural facilities for these groups. Immigrant advisers have been appointed in some communes with support from the Ministry of Local Government and Labour, to activate and co-ordinate work on immigrant questions in the commune, give immigrants guidance and co-operate with their organisations.

Norway fulfils the Convention's requirement of equality of treatment as regards employment conditions that are regulated by legislation.

Family reunification with reference to a work permit is restricted during the immigration freeze to spouse and children under 20 years of age. However, there is nothing to prevent close relatives e.g. mother, father, married children and children over 20 years of age, from being given a resident permit. There is therefore no contradiction between Article 13 in the Convention and Norwegian legislation and practice.

With regard to Article 14, a free choice of employment is not conditional upon any particular length of residence in Norway. A new work permit is required each time a new job is taken during the first year, but this is granted so long as the material conditions are fulfilled (pay and employment conditions in accordance with a collective pay agreement). After one year general work permits are normally granted. An indirect restriction lies, however, in the rule that there shall not be more than 25 per cent aliens within each collective bargaining sector in an undertaking.

Another temporary restriction lies in the requirement, introduced on 1 February 1975, that there must be a marked and documented need on the labour market for the applicant concerned before a first-time work permit may be granted. It must therefore be assumed that, equally, a change of employment will not be easy during the temporary immigration freeze.

Certain posts of a security and preparedness-related nature are reserved for Norwegians. In the petroleum sector efforts are being made to achieve a minimum of 75 per cent coverage of the labour force by Norwegians. In other respects no restrictions have been introduced in connection with Article 14(c).

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Norway has accepted the Recommendation with the exception of the following paragraphs - 2, 8, 16, 17 and 18.

Paragraph 7(b) deals with the question of instruction in the immigrant country's language with pay during the instruction time.

MIGRANT WORKERS

Under an agreement between the Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation the authorities can stipulate certain conditions vis-à-vis the employers as regards instruction in Norwegian when the work permit is issued for the first time. The authorities can, inter alia, require that the employer shall grant leave of absence during working time to the migrant worker who wishes to participate in a course in the Norwegian language. Such a leave of absence is granted pursuant to guidelines agreed upon between the organisations of employers and workers.

Paragraph 8(5) corresponds to Article 9, paragraph 3, of Convention No. 143 on the costs of transportation out of the country (see under the Convention above).

As to paragraph 15, Norway considers the obligations as regards facilitating the reunion of families to be restricted to spouse and children. This applies in particular to facilitating immigrants' access to housing. As concerns paragraph 16 there are considerable social problems associated with the immigration of families.

Many of the social problems of immigrants are tied up with their housing situation. A principal line of approach to the question of housing is that as far as possible efforts should be made to solve the housing problems of immigrants in the same way as is done in the case of Norwegians. This entails that the communes have primary responsibility for the immigrants' housing situation. Formally speaking immigrants have the same opportunities as Norwegian nationals under existing arrangements, but in fact special measures are necessary in order to solve the problems of certain immigrant groups. The Ministry has had close co-operation, in particular with the local government of Oslo, on special housing measures for immigrants, and has granted funds to the Municipality of Oslo with a view to such measures. The Society for Immigrant Housing has been established with state funding to acquire and make available dwellings for immigrants.

The establishment of this Society is typical of special facilities offered to immigrants, inter alia, in order to facilitate the reunion of families, as prescribed in paragraph 16. However, it must be assumed that the definition of the family circle in paragraph 15 also applies to paragraph 16. Accordingly, it will not be possible to implement the recommendation of this paragraph in the immediate future.

With regard to paragraph 17, the Norwegian authorities cannot safeguard a migrant worker against the cessation of his employment in cases where an undertaking curtails or ceases operations while he is on holiday in his home country. However, in such cases the worker will have the same rights as Norwegian workers in such a situation and, equally, his work permit will not be withdrawn as a result of such unemployment.

As concerns paragraph 18 economic assistance for visiting the home country in the form of a deduction in income for tax assessment purposes has been considered, but hitherto not approved by central tax assessment authorities. Other forms of assistance are not envisaged.

As concerns paragraph 24 the Immigration Secretariat of the Ministry of Local Government and Labour has undertaken to supply information to aliens in co-operation with the Government Information Service. In addition an Immigrant Adviser has been appointed in the Ministry of Health and Social Affairs. The placement and information service for aliens at the Country Employment Office of Oslo and Akershus has been strengthened. The Immigration Office of the City of Oslo plays an important part when it comes to information, guidance and consultation for immigrants and their families. The Office includes also health service for immigrant families (comprising mother and child care). There is already an interpreter service in several languages and a system for a countrywide public interpreter service is being prepared. The introductory booklet for immigrants has now been published in seven immigrant languages, as well as a standard housing contract which also is published in several languages.

A first series of three courses for public servants who deal with immigrants in their work was carried out in 1976-77 and in the Autumn 1979 a new series will start.

PAKISTAN

CONVENTION NO. 97

Emigration Ordinance, 1979

Emigration Rules, 1979

Under the Emigration Ordinance, 1979 the Director General, Emigration controls and regulates emigration and looks after the interest and welfare of emigrants. Protectors of Emigrants are also appointed who, inter alia, ensure that emigrants fully understand the terms and conditions of employment abroad as specified in the foreign service agreements; inspect the conveyances carrying the departing and returning emigrants; and aid and advise emigrants, when departing from, or returning to, Pakistan and inspect the offices. Apart from this, Labour Attaches are appointed for the welfare of the emigrants and for safeguarding the interest of the emigrants in the host country including settling of the disputes and negotiation with their employers.

In Pakistan there is no discrimination against immigrants in respect of remuneration, hours of work, overtime, minimum age, holidays with pay, apprenticeship and training, trade union rights, accommodation and social security.

The Federal Manpower Division administers the Emigration Ordinance.

The Convention covers many matters which are at present difficult to implement.

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RECOMMENDATION NO. 86

Training centres and orientation and briefing centres have been set up to guide and advise intending emigrants and their dependants proceeding abroad.

Pakistan has a surplus of manpower and the Labour Attaches posted abroad inform the Bureau of Emigration, etc., about availability of jobs abroad. Measures as are conducive to legal emigration have been taken to utilise all possibilities of employment. Free service is provided to supply information about overseas employment. The Pakistani authorities ensure that all those proceeding abroad enjoy all social, financial and health facilities when employed abroad. The terms and conditions of employment are clearly laid down in the foreign service agreement, a copy of which is kept by the emigrant.

CONVENTION NO. 143

To check illegal emigration penal sanctions have been laid down in the Emigration Ordinance, 1979.

See also under Convention No. 97.

RECOMMENDATION NO. 151

Pakistan is a developing country; as such it exports manpower to other countries. The terms and conditions of service as laid down in the foreign service agreement cover among others, medical aid, free passage both ways, social security benefits and residence or payment in lieu thereof. Labour Attaches posted abroad, ensure that these terms and conditions of service are properly honoured.

PANAMA

CONVENTION NO. 97

Constitution (Gaceta Oficial (GO), 24 October 1972, No. 17210).

Labour Code (LS 1971 - Pan. 1).

Legislative Decree No. 16 of 30 June 1960 on migration.

Cabinet Decree No. 142 of 17 August 1972 to extend the validity of and add an article 88 to Legislative Decree No. 16 of 30 June 1960 (GO, 1 September 1972, No. 17177).

Act No. 23 of 23 June 1977 to add a paragraph to article 1.5 of Legislative Decree No. 13 of 20 September 1965 (GO, 14 July 1977, No. 18377).

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Act No. 60 of 1 September 1978 to issue regulations respecting the special visa for seamen (GQ, 17 October 1978, No. 18684).

Article 62 of the Constitution stipulates that an equal wage or salary shall always be paid for equal work in identical conditions, whether the worker is a national or a foreigner.

To work in Panama, an alien worker must first obtain a work permit from the Ministry of Labour and Social Welfare (section 17 of the Labour Code). Alien workers must then obtain a temporary visitor's visa for a period of one year renewable for five years, both for himself and for his wife and minor children (article 1.5(g) of Legislative Decree No. 16 of 30 June 1960).

Once the foregoing formalities have been completed, a worker and his family is entitled to all labour and social benefits, and specifically to social security benefits.

Enforcement of these provisions is the responsibility of the Ministry of Labour and Social Welfare and the Migration Department of the Ministry of Government and Justice.

No amendments are currently being made to national legislation in order to give effect to the provisions of the Convention; the legislative provisions indicated above relate only to certain aspects of the Convention.

Ratification of the Convention is being held up pending a study that is being carried out with a view to combining all legislative provisions with respect to migration in a single body of law.

CONVENTION NO. 143

See under Convention No. 97.

RECOMMENDATION NO. 86

Once their presence in the country has been legalised, foreign workers enjoy all such benefits as holidays, union membership, social security, wages, etc., on an equal footing with nationals.

There is no language problem in Latin America where, with the exception of Brazil, all countries - and therefore all migrant workers - speak Spanish.

In the event of a dispute concerning the rights of foreign workers, the latter may appeal to the same bodies as nationals, namely, the Labour Inspectorate, Court of Conciliation, Conciliation and Arbitration Boards, Labour Courts, Higher Labour Tribunal and the Supreme Court of Justice.

MIGRANT WORKERS

As regards refugees and displaced persons, political exiles in Panama are given a national safe conduct which serves as a travel document.

See also under Convention No. 97.

RECOMMENDATION NO. 151

See under Convention No. 97 and Recommendation No. 86.

PERU

CONVENTION NO. 97

Legislative Decree No. 22452, dated 20 February 1979, laying down provisions on labour migration and the hiring of foreign personnel (El Peruano (EP), 21 February 1979, No. 11478).

Legislative Decree No. 14460, dated 25 April 1963 (EP, 2 May 1963).

Legislative Decree No. 14570, dated 19 July 1963 (EP, 26 July 1963).

Presidential Decree No. 017-TR, dated 7 September 1964, in respect of the quota of foreigners employed in undertakings (EP, 9 September 1964).

Resolution No. 151-TR, dated 15 May 1967.

The provisions of Legislative Decree No. 22452 supersede those of previous legislation on the subject.

Application of the provisions of Legislative Decree No. 22452 in respect of migrant workers is entrusted to the Ministry of Labour, whose administrative bodies are advised, in approving any contract of employment with foreign personnel, by the Standing Committee on Labour Migration which comes under the Directorate of the Ministry of Labour whose main function, according to section 19 of the aforementioned Legislative Decree No. 22452, will be to recommend criteria in respect of the formulation and implementation of labour migration policy.

RECOMMENDATION NO. 86

In order to deal effectively with this question and to take any necessary measures, a Standing Committee on Labour Migration has been set up under the Directorate of the Ministry of Labour whose main function will be to recommend to the Minister of Labour criteria on the formulation and implementation of labour migration policy.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

CONVENTION NO. 143

Constitution dated 12 July 1979.

Presidential Decree dated 7 December 1921.

Presidential Decree dated 24 January 1929.

Article 10 of the Convention. In accordance with the Constitution, respect of all basic human rights is ensured through the laws of the Republic as regards both national workers and foreign ones provided the latter have met the requirements laid down in the labour sphere for migrant workers.

Articles 2, 3, 4 and 5. There are no illicit movements of migrants for employment either from or to Peru. Section 7 of the Presidential Decree of 7 December 1921 prohibits the hiring of labourers through so-called recruiters or intermediaries who do not represent the employers; likewise, the provisions of the Presidential Decree of 24 January 1929, provide that national workers may not leave the country without an individual or collective contract approved by the authorities.

Articles 8 and 9. As regards termination of a contract of employment, foreign workers whose contract has been approved by the Labour Authority enjoy the same guarantees as national workers in respect of job stability and social benefits. Loss of employment does not entail withdrawal of the residence permit or of the possibility of working; moreover, the foreign worker can also appeal to the labour authorities to secure recognition of his rights.

RECOMMENDATION NO. 151

Legislative Decree No. 22534, dated 15 May 1979, to approve the Andean Instrument on Labour Migration (El Peruano, 16 May 1979, No. 11574, p. 5).

In order to safeguard the rights of migrant workers, the Peruvian Government has recently adopted a series of measures in respect of labour migration and the hiring of foreign personnel. It has also adopted measures to protect migrant workers and resolve their problems.

MIGRANT WORKERS

PHILIPPINES

CONVENTION NO. 143

Labor Code of the Philippines

Presidential Decree No. 1412

The Office of Emigrant Affairs was established pursuant to the national policy to maintain close ties with Filipino migrant communities and promote their welfare as well as establish a data bank in aid of national manpower policy formulation. The Office serves as liaison with migrant communities, provides welfare and cultural services, and facilitates reintegration of migrants into the national mainstream. Supervision of the application of the legislation and regulations falls under the authority and/or recommended approval of the Ministry of Labor.

POLAND

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

In the present-day socio-economic conditions in Poland external labour migration does not occur. For this reason the provisions of the above-mentioned instruments have no practical significance to Poland.

PORTUGAL

RECOMMENDATION No. 86

Political Constitution.

Legislative Decree No. 763/74 (Diário do Governo (DG), Series I, No. 302, 30 Dec. 1974).

Decree No. 44428/62 (DG, Series I, No. 147, 29 June 1962).

Decree No. 35/74 (DG, Series I, No. 31, 5 Feb. 1974).

Legislative Decree No. 494-A/76 (Diário da República, Series I, No. 145, 23 June 1976).

III. (a) 5. The public authorities provide the free service in respect of the matters covered by this Paragraph. A service is provided by the Emigration Institute for Portuguese workers abroad; the Aliens Service is competent in the case of foreign workers in Portugal.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

10. (a) On receipt of an application for a passport by a prospective emigrant, the competent authority must satisfy itself that the person concerned has a job in the country to which he wishes to travel. In the case of immigrants to Portugal the authority also ascertains whether they have accommodation.

(b) The Secretariat of State for Employment is responsible for the vocational training of workers, whatever their nationality.

15. These measures are taken under agreements on migration.

In addition, the Government refers to information communicated in earlier reports on the application of Conventions Nos. 97 and 143 under article 22 of the ILO Constitution.

RECOMMENDATION No. 151

II. (a) 15. Portuguese legislation regards women who go abroad to join their husbands as emigrants.

18-19. This may be provided for in bilateral or multilateral agreements.

23-29. In principle, foreign workers in Portugal enjoy the same rights as Portuguese. Given their limited numbers, the establishment of special social services is not warranted.

32-34. See remarks in previous paragraph.

See also under Recommendation No. 86.

ROMANIA

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Act 25/1969 (Official Bulletin, No. 57, 18 May 1972).

There are no migrant workers.

MIGRANT WORKERS

RWANDA

CONVENTION NO. 97

Act of 28 February 1967 to establish the Labour Code (Journal officiel (JQ), 1 Mar. 1967, No. 5, p. 107) (LS 1967 - Rwa. 1).

Legislative Decree of 22 August 1974 to organise social security (JQ, 15 Sep. 1974, No. 18, p. 538).

Ministerial Order No. 52/06/020 of 16 December 1972 (JQ, 1 Feb. 1973, No. 3, p. 45).

Ministerial Order No. 23/06/03 of 23 October 1968 (JQ, 1 Mar. 1969, No. 5, p. 21).

Ministerial Order No. 57/06/012 of 20 December 1972 (JQ, 1 Feb. 1973, No. 3, p. 51).

The Labour Code and the Legislative Decree to organise social security apply without any distinction as to nationality.

Ministerial Orders Nos. 52/06/020 of 16 December 1972 and 23/06/03 of 23 October 1968 contain a number of measures with respect to the recruitment of foreign workers. Article 5 of the Order of 23 October 1968 stipulates, on the subject of contracts for foreign workers, that the responsible official must ensure that such workers carry a medical certificate and that their contract of employment has been entered into freely, without constraint, error or fraud.

The provisions of Articles 2 and 7 of the Convention have not yet been written into the country's legislation, but the matter may be reviewed in the light of migration trends.

CONVENTION NO. 143

No formal arrangements have yet been made for contacts and a systematic exchange of information with other States.

See also under Convention No. 97.

RECOMMENDATION NO. 86

The Labour Code, which makes no distinction as to nationality, provides (section 83) that a worker engaged to fulfil a contract of employment in a place other than his normal place of residence who is unable by his own efforts to obtain suitable accommodation for himself and his family shall be provided with housing accommodation by the employer. Section 84 of the Code contains a similar provision with respect to a regular supply of usual foodstuffs.

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RECOMMENDATIONS NOS. 86 AND 151

According to section 139 of the Code, the worker's travelling expenses and those of his spouse and family and the cost of transporting their luggage are defrayed by the employer, within the limits prescribed by Ministerial Order No. 57/06/012.

See also under Convention No. 97.

RECOMMENDATION NO. 151

In accordance with sections 2 and 82 of the Labour Code, workers covered by this Recommendation enjoy equality of opportunity and treatment with nationals as regards remuneration for work of equal value.

See also under Convention No. 97.

SENEGAL

CONVENTION NO. 97

Act No. 61-34 of 15 June 1961 to establish a Labour Code (Journal officiel, 3 July 1961, No. 3462) (LS 1962 - Sen. 2B).

National legislation and practice are in accordance with the provisions of the Convention.

Manpower co-operation agreements exist containing provisions with respect to equality of treatment of nationals and immigrant workers, as regards both employment and social security. The Labour Code moreover applies to all workers, irrespective of nationality.

RECOMMENDATION NO. 86

See under Convention No. 97.

CONVENTION NO. 143

Senegal is a country of emigration rather than immigration.

There are no laws or regulations on the subject. However, the bilateral manpower agreements between Senegal and certain other countries are in keeping with the points covered by the Convention.

When the manpower-importing countries have ratified the Convention, the Government will do the same.

MIGRANT WORKERS

See also under Convention No. 97.

RECOMMENDATION NO. 151

See under Convention No. 143.

SIERRA LEONE

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

There are no legislative, administrative or other provisions which cover the matters raised in the migrant workers instruments.

The operation of the Immigration Quota System and the issue of work permits are, however, designed to discourage the entry of unskilled or unqualified persons into the country for purposes of employment. The work permit system ensures the entry into Sierra Leone of those persons seeking employment for which similarly qualified indigenes are not available.

SINGAPORE

CONVENTION NO. 97 AND RECOMMENDATION NO. 86

Immigration Act (Revised Edition of the Laws, 1970, Ch. 81).

Regulation of Employment Act (*ibid.*, Ch. 127).

Employment Agency Rules, 1958 (Government Gazette (GG), Supplement, No. 2, 2 January 1959).

Employment Act (*ibid.*, Ch. 122)

Trade Union Act (*ibid.*, Ch. 129)

Industrial Relations Act (*ibid.*, Ch. 124)

Workmen's Compensation Act, No. 25 of 25 August 1975 (GG), Acts Supplement, 5 September 1975, No. 30)

Exchange Control Act (*ibid.*, Ch. 245)

The Regulation of Employment Act regulates the employment of non-citizen workers and provides for penalties to be imposed on any person who promotes or engages in illegal employment. The Immigration Act provides for penalties to be imposed on any person who promotes clandestine or illegal immigration. Under the

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Employment Agency Rules, 1958 (enacted under the Employment Agency Act), no licensed agency is allowed to place non-citizens for work in Singapore or to recruit local citizens for work outside Singapore without the written permission of the Commissioner for Labour.

Foreign workers enjoy the same terms and conditions of employment as those of citizen-workers in accordance with the Employment Act. The Trade Union Act and the Industrial Relations Act allow foreign workers to join trade unions and enjoy the benefits of collective bargaining on the same basis as local workers. They may hold office in a trade union with the approval of the Minister for Labour. Under the Workmen's Compensation Act, foreign workers are paid the same benefits as citizen-workers. They also enjoy generally the same medical benefits as citizen-workers, and benefit equally from the compulsory savings scheme enacted under the Central Provident Fund Act, to which employers and employees contribute monthly. The accumulated contributions can be withdrawn by the employee when he attains 55 years of age; when he leaves Singapore or West Malaysia permanently; or when he has permanently lost his earning capacity.

Under the Exchange Control Act, foreign workers are not restricted in their remittances of savings and earnings.

When a foreign worker is granted permanent residence, he is not sent back to his country of origin if he is unable to follow his occupation because of illness or injury.

Information and advisory services pertaining to employment are rendered free by the Ministry of Labour to non-citizens. The Immigration Department of the Ministry of Home Affairs handles emigration and immigration matters and renders advisory services.

The Ministry of Labour conducts spot-checks to ensure that foreign workers receive the same wages and fringe benefits as their local counterparts in the same company. This is done in practice. Foreign workers are allowed to rent public low-cost housing, but in practice, employers generally provide accommodation to their foreign workers. Public recreational facilities are accessible to foreign workers on the same basis as citizen-workers. Employers and unions also provide recreational and welfare facilities on the same basis.

There is tripartite consultation and co-operation among the Government, organisations of employers and unions on the employment of foreign workers.

Singapore is a small and densely populated city-state with a relatively small workforce and full employment. The education system generally takes into account the manpower needs of the economy. The migration of Singaporeans for work outside Singapore is insignificant. The migration of workers to and from Singapore is not likely to be on a large scale or on a permanent basis as envisaged in the Convention and Recommendation. However, foreign workers do come to the Republic for employment. While such foreign workers are assured of their rights like any other employee during their employment, the Republic, constrained by its small and densely populated land area is unable to implement all the provisions of the Convention or Recommendation, e.g. the provision relating to the right of residence of foreign workers after their employment.

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There is already existing in Singapore equality of treatment of non-citizen workers and local workers in regard to their employment.

CONVENTION NO. 143 AND RECOMMENDATION NO. 151

One of the aims of the Immigration Act is to detect, prevent and suppress the illicit and clandestine movements of migrants into Singapore, either for employment or otherwise; and to act against organisers of illicit or clandestine movements of migrants. Under the Employment Agency Rules, 1958 (enacted under the Employment Agency Act), no licensed agency is allowed to place non-citizens for work in Singapore or to recruit local citizens for work outside Singapore without the written permission of the Commissioner for Labour. It is illegal for any unlicensed agency to recruit persons, either foreign or local citizens, for work in or outside Singapore. The Regulation of Employment Act seeks to regulate the employment of foreign workers as well as to detect, prevent and suppress the illegal employment of such workers. There are provisions in the Immigration Act, the Employment Agency Act and the Regulation of Employment Act for penalties, e.g. fines and imprisonment, to be imposed on persons who engage in illegal activities described above.

Foreign workers are covered by the provisions of the Employment Act concerning termination of employment. An employee, including a foreign worker, who is terminated without just cause can claim for reinstatement under the Employment Act if he is not a union member, and under the Industrial Relations Act if he is a union member. A foreign worker who leaves employment is entitled to any outstanding salary due to him for work performed; severance payments if provided for in a contract of service or a collective agreement; pay in lieu of annual leave; claims for withdrawal of Central Provident Fund contributions paid during his employment if he leaves Singapore or West Malaysia permanently, if he reaches the age of 55 or if he has permanently lost his earning capacity.

The objective of the Factories Act is to provide for the safety, health and welfare of workers in factories and other workplaces. All safety and health measures and programmes apply equally to foreign as well as local workers.

Foreign workers are given remuneration and fringe benefits similar to those of citizen-workers for work of equal value. They are also accorded equal opportunity and treatment in their career advancement which is dependent on the individual's ability and experience.

Employers have to ensure that their foreign workers are medically cleared before employment.

The provision concerning granting foreign workers the right to geographical mobility subject to certain restrictive conditions is not relevant to Singapore which has an urban economy and limited land area. The stage of development in Singapore is not so advanced as to enable it to provide for the guarantee of employment, alternative employment, relief work and retraining for both local and foreign workers.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

See also under Convention No. 97.

SPAIN

RECOMMENDATION No. 86

Act No. 33 of 21 July, 1971, respecting emigration (LS 1971 - Sp. 7).

The Act of 1971 contains provisions which refer to some of the matters mentioned in the Recommendation.

As regards the emigration of Spaniards to foreign countries, Spain has availed itself of all possibilities of employment abroad, and has furthered the emigration of large numbers of persons to countries of Europe and Latin America and the protection of emigrants, their families and the Spanish community working in each country.

This protection extends to the entire process of emigration, from the preparations for departure, the outward journey and residence abroad to the homeward journey or repatriation.

The Spanish Government endeavours to obtain equality of labour rights between emigrants and the nationals of the host countries, either directly or by means of bilateral treaties or agreements on emigration which it has concluded with all European countries of immigration and some countries on the American continent; these agreements prescribe measures for the reception, accommodation and appropriate employment of emigrants, the transfer of funds, the enjoyment of labour rights, the possibility of transferring benefits to members of their families residing in Spain, family reunification and measures of an educational and vocational training nature.

The Spanish Emigration Institute has set up a service to advise and assist emigrants and their families free of charge, to facilitate compliance with administrative and other formalities in connection with emigration or return, and to authorise emigrants to take with them practically unlimited sums of money on their emigration or return. The Institute regulates and deals with all matters relating to the recruitment, selection, provision of documents and contracting for employment; recruitment which is not authorised by the Institute, as well as the establishment of any type of emigration agency, is prohibited.

The selection and contracting are carried out in conformity with bilateral agreements or treaties.

Medical or vocational examinations of emigrants and the national certificates and documents required for the purpose of emigration, including passports, are provided free of charge to emigrants.

Emigrant workers who return to Spain and who have retained their nationality are entitled to assistance from the National Labour Protection Fund if they are unemployed.

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See also under Convention No. 143.

CONVENTION No. 143

Decree No. 1870 of 27 July 1968 to regulate the employment, conditions of work and settlement of foreigners in Spain (Boletín Oficial del Estado (BOE), 14 Aug. 1968).

Act No. 118 of 30 December 1969 (BOE, 31 Dec. 1969, No. 313).

Royal Decree No. 1874 of 2 June 1978 to regulate the granting and renewal of work permits for foreigners (BOE, 10 Aug. 1978, No. 190).

There is no immigration Act in Spain, which is traditionally a country of emigration.

Diplomatic, consular and assimilated personnel, foreign technicians and scientists entering Spain by invitation of, or under contract to, the Spanish Government, press correspondents, etc., are excluded from the scope of the provisions in force.

The Act of 30 December 1969 assimilates Spanish-speaking American, Portuguese, Brazilian, Andorran and Philippine workers to Spanish workers as regards labour relationships and conditions of employment.

Other foreigners must obtain work permits before they can work in Spain; wages and other conditions of work of foreigners authorised to work in Spain may in no case be inferior to those fixed by law for Spanish workers in the activity, category and locality concerned.

No work permit will be granted to a foreigner if a Spaniard expresses the wish to occupy a vacancy and can furnish evidence of his competence to fill the post.

Work permits are not granted to foreigners who apply for employment in activities in which there is an excess of manpower; notwithstanding this provision, work permits are granted to foreigners whose spouses are of Spanish nationality, foreigners born in Spain, political refugees, etc.

Furthermore, provided that the employment situation permits, work permits are renewed when foreign workers have spent more than five consecutive years working in Spain in the same activity or occupation.

Work permits for foreigners are issued by the provincial labour delegates and in some cases by the General Directorate of Employment and Social Advancement.

Under Royal Decree 1874 of 2 June 1978, foreigners who wish to work in Spain must apply to the civil government of the province for a work permit and the corresponding residence permit simultaneously. The work permit will be granted or refused by the labour authority following a report by the provincial commission of the civil government of the province.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

No changes have so far been made in national law or practice to give effect to all or part of the provisions of the Convention, but the adoption of appropriate measures as regards equality of opportunity and employment is under consideration.

It is not possible to ratify the Convention at present because current legislation is not fully in conformity with it.

The Government is making a careful study of the scope of the provisions of the Convention for the purpose of deciding on the desirability of adopting measures to enable it to be ratified as soon as possible and the possibility of proposing an Immigration Bill; the Government's Emigration Bill is now finalised.

RECOMMENDATION No. 151

Given the language of the countries of origin and the numbers of foreign workers employed, it has not been considered necessary to adopt measures to provide foreign workers with information in their mother tongue or to improve their knowledge of Spanish, with which most of them are familiar.

Nor have any special measures been taken - for the reasons mentioned - to reunify or reunite the families of foreign workers in Spain or to protect their health. There is no specific social service for foreign workers in Spain, who have access to the social services provided for nationals.

When a foreign worker is dismissed without just cause he is entitled, on the same terms as national workers, to reinstatement, and to compensation for loss of wages or of other payment which results from unjustified termination; he is also entitled, on leaving Spain, to any outstanding remuneration for work performed, to employment injury benefit, unemployment benefit and holiday pay.

Withdrawal of the work permit implies withdrawal of the residence permit, and there is no reimbursement of social security contributions which have not given rise to rights; however, bilateral social security agreements have been concluded with certain European countries, and these apply both to Spanish workers abroad and to foreign workers of certain nationalities working in Spain.

See also under Convention No. 143.

SRI LANKA

CONVENTION NO. 97

The Government refers to its report for the period ending 31 December 1951.

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With regard to the status of migrant workers of Indian origin an agreement was reached in October 1964 when the Indo-Ceylon Agreement of 1964 was signed. In terms of this agreement some of these migrant workers of Indian origin will return to India having been accepted for Indian citizenship, while those who are accepted for citizenship in Sri Lanka will remain here. In implementing the provisions of this agreement between the two Governments considerable progress has already been achieved.

Besides, article 14(2) of the Constitution of Sri Lanka guarantees to a person who not being a citizen of any country, has been permanently and legally resident in Sri Lanka immediately prior to the commencement of the Constitution and continues to be so resident, the rights of freedom of speech, assembly, association, occupation, movement, etc., for a period of ten years from the commencement of the Constitution. The distinction between citizen by descent or by virtue of registration too has been removed and for all purposes everyone is considered a "Citizen of Sri Lanka" (article 26).

It would thus be seen that the problem of migrant workers within Sri Lanka has now been satisfactorily settled.

With regard to group migration of Sri Lankans for employment, mainly to West Asia, the employment agencies in Sri Lanka are regulated by the Fee-Charging Employment Agencies Act, No. 37 of 1956. As the provisions of this legislation are not adequate to deal with matters connected with group migration fresh legislation is being contemplated and it is expected that the necessary Bill will be presented to Parliament shortly.

This Convention will be further examined in the light of a report prepared recently, following a visit to the countries concerned, on the supervision and regulation of employment of Sri Lankans in West Asian countries and on the basis of government policy in this regard once such policy has been spelled out.

RECOMMENDATION NO. 86

See under Convention No. 97.

CONVENTION NO. 143

As a general rule illicit immigration is not permitted; any one found to have illicitly entered the island and illegally found employment is arrested and deported and the employers who harboured illicit immigrants are charged before courts of law.

RECOMMENDATION NO. 151

See under Convention No. 143.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

SUDAN

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Manpower Act of 13 March 1974 (LS 1974 - Sud. 1) and Regulations.

Passports and Immigration Act, No. 40 of 1960 (Gazette, 15 November 1960, No. 952, Legislative Supplement No. 1).

There exist legislative, administrative and practical provisions in the Sudan concerning some of the matters dealt with in the above-mentioned Conventions and Recommendations.

Every Sudanese willing to work abroad should have a valid passport and should register at the employment office concerned. Nomination for employment takes place through the employment office concerned, and the employment contract has to be entered into under the supervision of the employment office.

The Commissioner of Labour, in issuing permits for migrants' employment, is governed by data concerning deficiency and surplus in manpower.

Sudanese Embassies are the source of information about the cost of living and minimum wage at the country of destination. The Labour Department has full co-operation with the other government units concerned, such as the Ministry of Foreign Affairs and the Department of Immigration, Nationality and Passports. As to the exchange of information between the Sudan and countries of destination, the Sudan used to furnish these countries through the Ministry of Foreign Affairs with the most up-to-date information concerning rules and regulations.

Immigration to the Sudan is also governed by the Manpower Act, 1974, under which no labour permits may be granted to any alien unless there is no Sudanese capable of performing such work. The Minister may allow, in cases of necessity, the employment of groups of unskilled labourers from neighbouring States for specified tasks. No labour permit shall be granted to an alien less than 21 years of age unless he is a holder of a special or ordinary residence permit in accordance with the Passport and Immigration Act, 1960. For a first labour permit, the consent of the Ministry of the Interior is required.

An alien requires a permit to change the type of his work or work with any other establishment.

For posts requiring experience or skill, the employer must appoint a qualified Sudanese to be trained in the tasks performed by the alien.

Any person may appeal to the Minister against any decisions made about the employment of an alien and the decision of the Minister in this respect is final.

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The Commissioner must notify the Ministry of the Interior of all decisions made for the grant of a labour permit to an alien or an amendment or withdrawal thereof or ending its term. He must also notify the Bank of Sudan in cases where an alien may remit his savings outside the Sudan, and other competent administrative bodies.

Aliens have the right to benefit of the National Law, i.e. minimum wage, social security and Employer and Employed Persons Ordinance, and to join trade unions and benefit from co-operatives in their establishments. There is nothing to prevent the alien from bringing his family to reside with him in the Sudan and his children may attend Sudanese schools. An alien has the right to benefit from the medical services rendered by his employer or those of the public. There is no discrimination in respect of nationality, race, religion or sex against immigrants lawfully residing in the Sudan. Income tax is deducted as for nationals. As to refugees, the Labour Department, in collaboration with the Ministry of the Interior, furnishes these people with considerable help and assistance as to placing and issuing them the necessary work permits, all free of charge.

SURINAME

CONVENTION NO. 143

Entry Order, 1938 (Staatsblad, No. 92).

The Ministry of Justice and Police has laid down guidelines to regulate the admission of migrant workers since there are no specific laws dealing with this subject. The guidelines are based on the Entry Order, under which an intended immigrant has to prove that he has means of support. According to the guidelines an immigrant worker will be deemed to have no means of support if national workseekers with equivalent qualifications are available.

The District Commissioner of the Ministry of Internal Affairs and Decentralisation is the competent authority to issue entry permits. This is done after consulting the Aliens Registration Office of the Ministry of Justice and Police and the Migration Office of the Ministry of Labour and Housing to ascertain whether the applicant has a criminal record and whether he has means of support.

Employers' and workers' organisations are consulted on the entry of migrant workers.

The Ministry of Justice and Police is now drafting an aliens act that will give fuller effect to the provisions of the Convention.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

SWAZILAND

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Whilst the Government should do whatever it can to improve the conditions of migrant workers, and to that extent may wish to support UN General Assembly Resolution 33/163, efforts should be directed towards obtaining greater acceptance of those international instruments already in existence.

SWEDEN

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Aliens Act (1954:193) (with amendments) and Aliens Decree (1969:136) (with amendments).

Swedish Citizenship Act (1950:382) and the Nationality Ordinance (1969:235).

Ordinance containing Instructions for the National Immigration and Naturalisation Board (with amendments).

Act (1972:650) concerning Entitlement to Paid Leave of Absence for Immigrants Participating in Swedish Language Lessons, together with the appurtenant Ordinance (1973:631).

Government resolution of 1975-10-09 concerning the establishment of an Immigrant Council.

Ordinance (1976:310) concerning Measures on Behalf of Immigrants and Others.

A resolution of principle was adopted in 1968 by the Riksdag to the effect that immigrants must be able to live on the same terms as the rest of the population. In 1975 the Riksdag passed a Government Bill laying down the guidelines of Swedish immigrant and minority policy. Legislation provides for 240 hours' paid leave for immigrants studying Swedish and regulations govern the training and chartering of interpreters and translators. Immigrants who have been registered residents in Sweden for three years are now entitled to participate in municipal, county council and parochial church council elections as voters and candidates.

The Riksdag defined three important objectives, namely equality, freedom of choice and partnership. Equality means that immigrants must have the same rights and obligations as Swedes and a genuine opportunity of retaining their own languages and culture. Freedom of choice implies that members of linguistic minorities must decide for themselves the extent to which they are to retain and

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develop their original cultural and linguistic identity. Partnership means that co-operation between immigrant and minority groups and the Swedish population should be broadened and that measures must be taken to facilitate the participation of these groups in trade union activities and politics, for example. There are a number of residual impediments to ratification of the two Conventions, and the Swedish ILO Committee has proposed measures for their gradual elimination. The Government has decided to implement certain of these proposals.

In Sweden, each authority is responsible within its sphere of activity for measures on behalf of immigrants as well as Swedish nationals. Co-ordinating responsibility, however, is vested in the National Immigration and Naturalisation Board. There is a special Minister mainly responsible for immigrant affairs, who chairs an advisory body which includes representatives of immigrant organisations as well as employers' and workers' organisations.

The Government resolved in 1976 to dispense with the requirement of Swedish citizenship as a qualification for unemployment assistance. This eliminated an impediment to the ratification of Article 8, paragraph 2. The Government also resolved in 1976 to cancel a labour agreement with Italy containing a union membership clause, thus eliminating an impediment to the ratification of Article 10.

The National Immigration and Naturalisation Board has questioned whether Article 9, paragraph 3, of Convention No. 143 was not at variance with section 67 of the Aliens Act, which provides that an alien refused entry, removed, expelled or deported from Sweden shall pay the cost of his conveyance to the place to which a public authority arranges for him to be sent, but has observed that even today there are many cases where an alien does not have to bear the cost of his removal from the country. The Government has referred Convention No. 143 and Recommendation No. 151, together with the comments made on them, to the Parliamentary Aliens Legislation Committee for further deliberations. The work of this Committee is still in progress, and a new Aliens Act is being drafted.

In the opinion of the ILO Committee, the most important obstacle to ratification was the lack of conformity of Swedish social security provisions with Article 10, particularly the pension regulations, because under the National Insurance Act only Swedish citizens are entitled to basic pension benefits. This had been considered an impediment to the ratification of Convention No. 97 as well. New rules concerning basic and supplementary pension benefits for foreign nationals domiciled in Sweden came into force on 1 July 1979 under which all immigrants who have lived in Sweden for a certain number of years qualify for Swedish basic pension and supplementary benefits. In certain cases they can also emigrate without forfeiting their pension rights. The new provisions define a minimum level of benefit entitlement. Basic pensions under the new legislation will therefore also be paid to citizens of countries with which Sweden has agreements which confer pension benefits on conditions inferior to those defined by the new legislation. Sweden has concluded or will soon have concluded bilateral agreements with the majority of Western European countries. The provisions contained in these agreements regarding entitlement to basic pensions are based on the provisions on this subject contained in

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the agreement between Sweden and Austria, which came into force on 1 November 1976. Under these agreements, foreign nationals can become entitled to basic pensions on more favourable terms than those established by the legislation which came into force on 1 July 1979. As regards the computation of supplementary pensions for foreign nationals born in 1923 or earlier, the above-mentioned legislative amendment brings the rules on this subject into line with those applying to Swedish citizens.

SWITZERLAND

CONVENTION NO. 97

Federal Act of 22 March 1888 respecting the operations of emigration agencies and the regulations of 10 July 1888 for its administration (Recueil systématique des lois et ordonnances, 1848-1947, vol. 10, p. 226 and p. 234).

Federal Act of 26 March 1931 respecting the residence and settlement of aliens (LS 1931 - Switz. 8).

Ordinance of 23 October 1978 limiting the number of aliens in gainful employment.

Federal Act of 22 June 1951 respecting the employment service (Recueil des Lois Fédérales, 22 Dec. 1951, No. 50) (LS 1951 - Swi. 2) and the regulations of 21 December 1951 for its administration.

Agreement of 2 March 1961 between Switzerland and Spain respecting the engagement of Spanish workers for employment in Switzerland.

Agreement of 10 August 1964 between Switzerland and Italy respecting the emigration of Italian workers to Switzerland.

Most of the matters dealt with in the Convention are covered by legislative, administrative or other provisions.

The protection of workers who emigrate is assured by the Federal Act of 22 March 1888 respecting the operations of emigration agencies and the regulations of 10 July 1888 for its administration. However, this legislation only applies, save in exceptional cases, to operations in connection with emigration to overseas countries, so that emigrants to European countries are not covered by these provisions.

Swiss nationals who settle abroad are also covered by the treaties on settlement concluded with a large number of States, as well as by the bilateral social security agreements concluded with many European States.

The regulations on immigrant workers derive from the Federal Act of 26 March 1931 respecting the residence and settlement of aliens. This Act is now in the process of revision and a Bill is presently under consideration by the Federal Parliament.

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Since 1963, the Federal Council has issued ordinances in pursuance of the aforementioned Federal Act providing for various measures for the limitation of the number of aliens in gainful employment in Switzerland. In principle these measures are reviewed every year.

The measures governing the admission of foreign workers are based on the principle of priority for indigenous workers - the latter term covering, in addition to Swiss workers, foreign workers holding a settlement permit and the persons specified in section 2 of the Ordinance of the Federal Council limiting the number of persons in gainful employment.

The main flows of foreign workers are moreover regulated by two bilateral agreements on employment: the agreement of 2 March 1931 between Switzerland and Spain respecting the engagement of workers for employment in Switzerland and the agreement of 10 August 1964 between Switzerland and Italy respecting the emigration of Italian workers to Switzerland. Coverage by these agreements has been extended unilaterally to all workers from West European countries. Bilateral social security agreements have also been concluded with countries from which large numbers of workers have emigrated to Switzerland.

The federal authorities responsible for supervising the application of the legislation and regulations and the provisions of the international agreements mentioned above are the following: the Federal Office of Industry, Arts and Crafts, and Labour (OFIAMT), the Federal Aliens Office and the Federal Office of Social Insurance. Close co-operation exists between these federal services.

The employers' and workers' organisations are regularly consulted on matters relating to the employment market in general and migrant workers in particular.

Article 2. The Federal Act of 22 March 1888 respecting the operations of emigration agencies instituted an information service for emigrants; this service provides information and advice free of charge, as concerns in particular the conditions of life and work in the countries of immigration, employment opportunities and wages.

There is no special official service with the task of providing similar information to foreign workers wishing to come to Switzerland. It is incumbent upon employers hiring labour abroad to inform workers about the conditions of entry and residence in Switzerland.

Article 3. The Act concerning the operations of emigration agencies provides for measures for the curbing of misleading propaganda relating to emigration (section 24, subsection 2, of the Act; section 42 of the regulations for its administration). However, these provisions apply only to persons going to continents other than Europe.

As for immigration, only the Federal Act of 22 June 1951 respecting the employment service provides for the punishment of private employment agencies conducted with a view to profit which make fallacious statements when seeking to place foreign workers in employment in Switzerland (section 9, subsection 2, and section 15, subsection 1).

Article 4. The Act of 22 March 1888 contains provisions on the protection of emigrants during their journey, but they apply only to persons leaving Switzerland for a destination outside Europe.

The federal and cantonal authorities are not in principle required to take measures to facilitate the departure, journey and reception of workers immigrating into Switzerland. This task is to be accomplished, where called for, by the employers and their organisations. Nevertheless, the Spanish-Swiss agreement of 2 March 1961 and the Italo-Swiss agreement of 10 August 1964 have made it possible *inter alia* to simplify and speed up the procedure for recruitment and the formalities with respect to emigration to Switzerland.

Article 5. The requirements of this Article with respect to health and medical protection are to a large extent fulfilled in Switzerland as concerns emigrants to countries outside Europe.

Foreign workers in Switzerland are required to undergo a medical examination upon their entry into the country. It is then incumbent upon the employer to see that his foreign employees are insured against the risks of sickness and accidents, both occupational and non-occupational. Furthermore, all the provisions with respect to occupational health, safety in factories and the combating of epidemics are applicable to aliens in the same way as to nationals.

Article 6. Switzerland can accept only in part the terms of this Article. While the principle of equality of treatment between foreign and national workers is observed in all matters regulated by the labour legislation, the situation is somewhat different as concerns social security, in the case of which this principle, while broadly applied, is less strictly imposed.

The bilateral social security agreements concluded with many European States guarantee equality of treatment to nationals of these countries in the following branches: sickness and accident insurance, old-age and survivors' insurance, invalidity insurance and the federal family allowances scheme for agriculture. There are no such bilateral agreements with States from which workers immigrate only occasionally or in insignificant numbers (Algeria, Israel, Brazil, Cyprus and other Third World countries). Where no bilateral social security agreement is applicable, aliens do not enjoy equality of treatment with nationals, particularly as concerns the conditions for the acquisition and maintenance of entitlement to invalidity, old-age and retirement benefits. The competent authorities are not intending to extent the advantages afforded by bilateral agreements to the nationals of all the ILO member States which have ratified or will subsequently ratify Convention No. 97.

The compulsory unemployment insurance scheme (a transitional measure), which came into operation on 1 April 1977, places Swiss and foreign nationals to a large extent on an equal footing. The inequalities which persist are attributable mainly to the fact that the present legislation is not based on the principle of totalisation of periods of insurance or employment. The unemployment insurance scheme makes no allowance for the principle of exporting benefits, but this is so in the case of Swiss as well

MIGRANT WORKERS

as foreigners. The present transitional scheme will remain in operation until the passing of a Federal Act instituting a new unemployment insurance scheme, expected early in the 1980s.

Article 7. The requirements of this Article are already met.

Article 8. Section 10, subsection 1(d), of the Federal Act respecting the residence and settlement of aliens provides that an alien may be deported "if he or a person for whose maintenance he is liable becomes permanently and to a substantial degree dependent on public relief". The Act makes deportation subject to the condition that the return of the alien to his country of origin is practicable and may reasonably be demanded of him. Under section 57 of the Aliens Bill now before Parliament, the authority may order the repatriation of an alien during his first ten years of residence.

Article 9. The application of this Article gives rise to no problem.

Annexes I and II

The recruitment of foreign workers is a matter as a rule for employers and their organisations. As concerns the conditions of employment offered to foreign workers, it is the duty of the competent authorities of the employment market to ensure that foreign workers are placed on an equal footing with Swiss workers as concerns the conditions of remuneration and employment prevailing in the locality and in the occupation.

Annex III

The measures provided for in this annex are already applied in Switzerland.

In addition to the conclusion or revision of numerous bilateral social security agreements, Switzerland has subscribed to Decision No. 1953-56 of the OEEC/OECD respecting the employment of nationals of member countries.

The measures taken since 1963 in the form of Orders issued by the Federal Council have made it possible to stabilise and subsequently reduce the foreign resident population and thus attain by progressive stages one of the main objectives of Switzerland's policy with respect to aliens, namely the creation of a more or less homogeneous employment market.

The information supplied above shows that the legislation concurs in many respects with the provisions of the Convention. Nevertheless, the application of Articles 6 and 8 of the Convention would still give rise to difficulties and constitute an obstacle to ratification of the Convention.

RECOMMENDATION NO. 86

Some of the provisions of the Recommendation are irrelevant, since Switzerland has to deal mainly with migration on an individual

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RECOMMENDATIONS NOS. 86 AND 151

and spontaneous basis. The application of such provisions might in fact interfere with the natural flow of migratory movements of a kind which are a tradition in Switzerland.

Section 16 of the Federal Act of 26 March 1931 respecting the residence and settlement of aliens does not permit of the abolition of all restrictions in respect of employment after five years' residence. Under this section, the authority may in effect take steps, where warranted by economic interests, to protect indigenous workers by giving them priority on the employment market over aliens who have not yet qualified for a settlement permit. The Bill, while improving the position of aliens resident in Switzerland for five years, empowers the Federal Council to restrict the right to renewal of residence permits in the event of a serious falling off of economic activity.

Annex

Article 1. Every foreign worker arriving in Switzerland for the first time receives a booklet, available in seven languages, giving him information about the legislation applicable to him. In addition there are memoranda giving detailed particulars, in the language of the contracting party, of each of the bilateral social security agreements concluded by Switzerland.

Article 5. The only conditions imposed by the federal authorities are of a medical nature, for reasons of public health. They require a medical examination at the frontier, which is limited to the strict minimum necessary and generally consists merely of an X-ray examination.

Article 6. Recruitment and introduction are handled in principle by the employers and their organisations.

Articles 15, 17 and 20. The competent authorities of the employment market verify housing conditions, which must conform to police requirements with respect to building standards, fire precautions and sanitary conditions.

Article 21. The bilateral social security agreements concluded by Switzerland ensure that full effect is given to Article 21 of the Annex, with the exception of paragraph 3, which refers to the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48).

The bilateral agreements relating to invalidity, old-age and survivors' insurance do not provide on the Swiss side for the totalisation of the periods spent under Swiss insurance and under the insurance scheme of the other contracting State for the purpose of acquiring the right to benefit, since the right to an ordinary pension under the Swiss invalidity, old-age and survivors' insurance scheme is acquired after only one full year of contribution.

Article 23. Changes of employment, occupation and canton are in principle authorised after one year's residence in Switzerland.

Article 24. The principle of priority for indigenous workers does not permit of the immediate redeployment of foreign workers holding permits who are discharged for economic reasons.

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However, since the coming into operation of the transitional unemployment insurance scheme, all foreign workers are insured and entitled to unemployment insurance benefit. Moreover, while in receipt of such benefit they are registered with the public employment exchanges as job seekers.

CONVENTION NO. 143

Following the adoption of the Convention by the International Labour Conference in 1975, the Federal Council, on 1 September 1976, submitted a report to the Federal Parliament on the proceedings of the 60th Session of the Conference. This report analysed the Convention in detail in the light of the legislation and explained the reasons which prevented Switzerland from ratifying it. The text of this report has been supplied to the Office.

The Federal Council's comments as set forth in this report are still valid.

Furthermore, the Government notes that section 23 of the Federal Council's Ordinance of 9 July 1975, limiting the number of aliens in gainful employment and prescribing administrative penalties for employers contravening repeatedly or seriously the rules laid down by the police authority responsible for aliens, has been left unchanged although the Ordinance has been revised twice, the latest version coming into force on 1 November 1978.

Certain Articles of the Convention to which Switzerland cannot subscribe call for the following additional remarks:

Article 8, paragraph 2. Under the terms of this Article, a migrant worker who loses his job after being legally authorised to reside in Switzerland should enjoy equality of treatment with nationals when seeking a new job. Section 16 of the Federal Act respecting the residence and settlement of aliens authorises the Federal Council, on the contrary, to take steps to protect indigenous workers. Invoking the principle of priority for the indigenous labour force, the authority may decline to renew a migrant worker's residence permit. Aliens holding settlement permits and the persons specified in section 2 of the Ordinance of 1 November 1978 are deemed to be indigenous workers.

Article 9, paragraphs 1 and 3. Except in the case of unemployment insurance, to which workers without work permits have no claim, the federal legislation on social insurance makes no distinction between unauthorised and lawful migrants for employment; the same is the case with the bilateral social security agreements. Nevertheless, eligibility for certain benefits remains subject to a condition of domicile or lawful residence in Switzerland, so that unauthorised migrant workers and their families cannot qualify for those types of benefit. The Government is not contemplating the inclusion in its bilateral social security agreements of provisions specifically applicable to unauthorised migrant workers (presumption of domicile or lawful residence in Switzerland), which would thus place them in a privileged position as compared with lawful migrants.

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Employers are required to bear the cost of assistance and repatriation only in the case of aliens employed without authorisation.

Article 10. As far as social security is concerned, equality of treatment is largely achieved. As regards non-contributory benefits and other special benefits (rehabilitation measures under the invalidity insurance scheme), this equality is however not total; the granting of such benefits remains subject to certain provisos as to domicile or lawful residence in Switzerland.

Article 12. Since Switzerland cannot in any circumstances subscribe to the principle of equality of treatment between foreign workers and national workers, it is equally unable to agree to the enactment of legislation in conformity with this egalitarian principle (clause (b)), or to repeal any provisions which are inconsistent with this principle (clause (d)).

As concerns clauses (b) and (c), education is a field which lies largely within the competence of the cantons and communes. All the Confederation can do is to make recommendations to them to encourage them to take or avoid certain measures. The Confederation has moreover made use of this faculty with a view to persuading the cantons to include courses specifically intended for the children of migrant workers in their school curriculum. The reaction of the cantons has been highly encouraging.

As concerns clause (d), it is not contemplated to end the present discrimination against aliens in certain branches of social security by amending the federal legislation. This discrimination is the subject of negotiations with States which supply Switzerland with a sizeable contingent of workers. Such discrimination is wholly or partly waived, subject to certain conditions of reciprocity, by Switzerland's bilateral social security agreements. In the present circumstances it is not considered advisable to alter this practice.

As regards clause (f), most of the cantons and communes have adopted a favourable attitude towards the problems relating to the maintenance of cultural ties with migrants' countries of origin, either making classrooms available to the consular authorities of the countries from which the immigrants come or including special lessons for foreign workers' children in their normal school curriculum.

Article 14. The Aliens Bill (section 43, subsection 3) and the regulations now in force (section 21 of the Federal Council's Ordinance limiting the number of aliens in gainful employment) make geographical mobility subject to a condition as to time; in addition, changes of occupation and of canton will continue under the new Act as in the past to be dependent upon the situation prevailing on the indigenous labour market.

RECOMMENDATION NO. 151

See under Conventions Nos. 97 and 143.

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TANZANIA

CONVENTION NO. 97

The Immigration Act, No. 8 of 18 April 1972

There are three classes of residence permits, Class A, Class B and Class C permits. Residence permits are issued for any period not exceeding three years and may be renewed for any period not exceeding two years but so that the total period of validity shall not in any case exceed five years.

The power to issue permits is vested in the Principal Immigration Officer. Any person aggrieved by a decision refusing an application for a residence permit may appeal to the Minister, whose decision is final.

The Ministry of Home Affairs (Immigration Division) is entrusted with the supervision of the application of the legislation and regulations.

No modifications have been made in the national legislation, since Tanzania has adopted some of the provisions of the Convention. It is intended to adopt measures to give effect to those provisions of the Convention not yet covered by the national legislation when circumstances permit.

CONVENTION NO. 143

No modifications have been made in the legislation but most of the provisions of the Convention are being applied. See also under Convention No. 97.

RECOMMENDATION NO. 151

See under Convention No. 97.

Organisations of employers and workers may be called upon to co-operate in the application of the relevant legislation through consultations and when they are called on to furnish information in their possession.

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TURKEY

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Constitution of the Republic of Turkey.

Labour and/or Social Security Agreements signed with the Netherlands, Austria, Belgium, the West German Federal Republic, France, Libya, Australia (labour), Sweden (labour).

Act on trades and profession reserved for Turkish citizens, No. 2007 dated 11 June 1932.

Public Servants Act, No. 657 dated 14 January 1965.

Notary Publics Act, No. 1515.

Legal Representations Act, No. 1136.

Regulations concerning placement abroad of workers.

Directive concerning placement of Turkish citizens willing to work abroad.

With over a million workers and their families residing abroad, Turkey is not a receiving, but a migrant-sending country. Placement abroad of workers is carried out in accordance with the national legislation and provisions contained in bilateral labour agreements with receiving countries.

Section 40 of the Constitution recognises the right of everyone to work, without any distinction as to citizenship. However, by stating in section 13 that liberties in this part may be restricted for aliens in accordance with international law, the Constitution acknowledges, subject to certain terms and conditions, the right of foreigners to work in Turkey. In Turkey, only a few highly qualified foreign workers are engaged by enterprises that implement new technologies, and no distinction is made between these workers and Turkish workers working at the same place.

Since the proclamation of the Republic, 31 acts relating to employment of foreigners in Turkey have been enacted, the majority of which are still effective. Relevant provisions of legislation concerning employment of foreigners in Turkey are as follows: Sections 1 to 7 and 8 of the Act on trade and professions reserved for Turkish citizens, precludes employment of foreigners in occupations requiring little knowledge, experience and capital due to economic or social necessities, and therefore capable of being carried out by Turkish citizens, in addition to those concerning national security and public service. Section 7 allows employment of foreigners on the basis of reciprocity. Section 2 requires permission for employment of aliens in certain trades and professions. Public Servants Act No. 657, requires Turkish citizenship for appointment as public servant as it concerns national security, public order and health. Work of a notary public

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is deemed to be public service in the Notary Publics Act, No. 1512, since documents prepared by him are honoured as official papers. Similarly, the Legal Representations Act, No. 1136, considers legal representation a public service.

Grounds for prohibitions under the above-mentioned acts are national security, political, economic, legal, social and health. Grounds for giving permission are economic.

Residence by aliens in Turkey comes under the jurisdiction of the Ministry of Internal Affairs. Employment of aliens in Turkey is within the terms of reference of the Ministry of Labour. Transfer from Turkey of earnings of foreigners comes under the jurisdiction of the Ministry of Finance.

Conventions relating to migrant workers have not yet been ratified by Turkey and national legislation has not yet been amended accordingly. However, sending of workers abroad is carried out in accordance with principles contained in Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151. No difficulties in respect of national legislation or practice have yet come up in connection with the ratification of the Conventions relating to migrant workers. Ratification of the Conventions relating to immigrant workers is regarded as being in the national interest as so many Turkish citizens are working abroad.

UKRAINIAN SSR

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

Constitution of the Ukrainian SSR.

Fundamental principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Fundamental principles of the civil legislation of the USSR and the Union Republics.

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

Consular Regulations of the USSR, approved by Decree dated 26 June 1976.

In the Ukrainian SSR there are no migrants for employment as defined in the ILO instruments.

Some foreign citizens, mainly from socialist countries, work in undertakings and on construction jobs in the Republic but the purposes of their coming to the Ukrainian SSR differ essentially from those of migrants for employment. Some of them take up permanent residence in the Ukrainian SSR as a result of marriage, reunification of families, joining relatives, etc. Another group, which has been increasing considerably in recent years, consists of

foreign citizens, mainly from socialist countries, coming to the USSR to carry out work within the framework of international co-operation. Their stay may be quite lengthy. For example, foreign workers and specialists participate on the basis of international agreements in the exploitation of natural resources, construction and installation of various industrial units, adjusting equipment, etc. However, these foreigners do not belong to the category of persons covered by the instruments since the purpose of their coming to the Ukrainian SSR is not to find work. In turn, workers and specialists from the Ukrainian SSR work abroad on the basis of bilateral and multilateral agreements.

Such temporary transfers of manpower from one country to another are effected in a planned and organised manner but without the object of placing people in jobs. They differ essentially both from migration in search of a living and from the export of surplus manpower which cannot be employed in the home country.

Labour matters relating to foreign citizens are regulated by the legislation listed above. The legislation and practice genuinely guarantee foreign citizens equal rights with Ukrainian citizens. In particular, Chapter 5 of the Constitution guarantees citizens of other countries the same civil and labour rights as Ukrainian citizens. Article 35 of the Constitution provides that foreign citizens are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other state bodies for the protection of their personal, property, family and other rights. The fundamental principles of civil procedure and civil legislation provide that aliens shall enjoy civil procedural rights and legal capacity equally with Soviet citizens. Civil capacity is defined as including the right to choose one's occupation and one's place of residence. The fundamental principles governing the public health legislation and the national educational legislation provide that foreign citizens shall have equal rights with Soviet citizens to medical aid and education.

The Preamble to the fundamental principles governing the labour legislation of the USSR and the Union Republics stipulates that citizens are guaranteed equal rights in the field of labour regardless of nationality and race. The labour of foreign citizens in the Ukrainian SSR is also regulated by international bilateral and multilateral instruments: agreements concerning the exploitation of natural resources and the construction, installation and operation of industrial units, and agreements concerning co-operation in the field of social security and legal assistance.

Foreign citizens thus enjoy conditions no less favourable than those of Soviet workers of the corresponding skill. Furthermore, international agreements frequently provide special privileges for foreign citizens to compensate them for lengthy absences from their homeland, unaccustomed climatic conditions, differences in the living environment, etc.

The equality of foreign citizens working in the Ukrainian SSR and the system of special privileges provided for in international agreements take these workers outside the definition in the ILO instruments.

Thus, current legislation and practice do not need to be changed to bring them into line with the instruments, there being no migrants for employment in the Republic.

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USSR

CONVENTIONS NOS. 97 AND 143 RECOMMENDATIONS NOS. 86 AND 151

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

Fundamental principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Fundamental principles governing civil legislation in the USSR and in the Union Republics.

Fundamental principles of civil judicial procedure (USSR and Union Republics).

Fundamental principles governing legislation respecting public health (USSR and Union Republics) of 16 December 1969 (Vedomosti Verkhovnogo Soveta SSR, 1969, No. 15, text 313).

Fundamental principles governing the legislation concerning national education in the USSR and the Republics of the Union dated 19 July 1973 (Vedomosti, 25 July 1973, No. 30, text 392).

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

Decree of the Presidium of the Supreme Soviet of the USSR respecting the consular regime, dated 26 June 1976.

The Constitution and law and practice of the USSR and the Union Republics guarantee foreigners equal rights with those of citizens of the USSR; these standards, which are based on the principles set forth in the Constitution of the USSR, find concrete expression in the provisions of labour law, civil law and procedural provisions. Accordingly, any foreign law the purpose of which is to limit human rights and freedoms on the grounds of race, nationality, religion or sex is without effect in the territory of the USSR.

In accordance with the relevant provisions foreigners enjoy civil capacity, including the right to choice of occupation and residence; the right to due process of law; the right to medical assistance; the right to education; and rights as regards work, on an equal footing with citizens of the USSR.

In addition, the rights of foreigners are regulated according to the type of institution, undertaking or organisation in which they work, and according to the place where the contract of employment is concluded.

In certain cases the law of the country sending the worker applies to legal labour relationships. This is the case, for instance, with the agreement between the USSR and Bulgaria respecting the exploitation of forests on the territory of the USSR, dated 3 December 1967.

In other cases two laws are applicable: that of the country of origin and that of the place of work. This is the case, for instance, with the agreement respecting conditions of residence concluded between the organisations participating in the construction of the pipeline from Orenburg to the western frontier of the USSR.

Finally, in other cases, the two national legislative sources are supplemented by an international agreement or the regulations of an international organisation. This is the case, for example, with the Unified Nuclear Research Institute.

The work of foreigners is at present regulated by a large number of international legal instruments: international agreements for the exploitation of natural resources, construction industry, and the installation and operation of industrial plant; statutes, personnel regulations and other similar documents drawn up by the international economic organisations and the international scientists' collectives; and co-operation agreements in the fields of social security and legal assistance.

The purpose of these various provisions is to offer a measure of compensation to the categories of workers concerned for long residence abroad, remoteness from the country of their birth, living in climatic conditions to which they are unaccustomed, differences in national character and surroundings, etc. This ensures foreign workers conditions which may not be less favourable than those of Soviet workers with equivalent qualifications.

With a view to promoting economic co-operation and integration, the programme adopted by the Council for Mutual Economic Assistance (CMEA) provides for an improvement in the legal basis of co-operation, among other things by reconciling and unifying national labour standards, by drafting new standards, in particular standards governing the dispatch of specialists on missions and the legal status of undertakings and organisations set up on a multi-lateral basis.

In addition to the increase in the number of foreigners entering the USSR in recent years to settle there following the establishment of personal links and contacts (marriage, residence with relatives, etc.), there has been an increase in the number of foreigners, particularly citizens of socialist countries, who have come to the Soviet Union to engage in an occupational activity within the framework of international economic, scientific, technical and cultural co-operation. There is likewise a constant rise in the number of foreigners carrying on an occupational activity in the USSR and entering into employment relationships with various undertakings. This promotes an expansion of co-operation between the USSR and foreign countries and an increase in trade and cultural exchanges. These foreigners do not, however, belong to the categories of persons covered by the international labour instruments relating to migrant workers, since they enter the USSR for a variety of purposes, but not to find work in the country.

Foreigners are employed under the system of socialist economic integration in order to ensure collective participation in the exploitation of raw material resources, in the construction and installation of industrial plant and in international economic organisations and associations, joint undertakings and international scientific research collectives.

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The purpose of using foreign workers is not to give them employment (a matter which is easily settled at national level), but the pooling and co-ordinated use of the productive resources of friendly countries. A distinction must be made between the temporary transfer of manpower from one country to another and migration for purposes of employment and the export of excess manpower which cannot be employed in the country of origin.

Within the framework of the CMEA importance is attached to the co-ordination of national economic plans, the specialisation of production and the transition to a co-operative system, international socialist trade, the granting of credit, technical assistance and scientific and technical co-operation, the joint execution of economic projects and the collective exploitation of raw material resources, etc., taking account, among other things, of the balance of human resources in each country, the occupational and skill structure of the active population, the possibility of mutual assistance by specialists and assistance in the training of qualified national supervisory personnel.

The equality between Soviet workers and foreign workers employed on the territory of the USSR and the system of special advantages which they enjoy under international treaties and agreement entirely exclude the possibility of considering them as migrant workers in the sense of the ILO Conventions and Recommendations.

The effective application of the legal standards for the protection of the labour and other rights of workers is ensured by the current supervisory system to protect the application of the legislation and ensure that the provisions of labour legislation are complied with; this system has already been described in detail in the Government's reports.

No amendment to the law and practice in the USSR is necessary to give effect to the Conventions and Recommendations, since there are no workers of the category described in the country.

UNITED KINGDOM

RECOMMENDATION NO. 86

Employment Protection (Consolidation) Act 1978, Ch. 12.

Immigration Act, 1971, Ch. 77 and Rules.

Health and Safety at Work Act 1974, Ch. 37 (LS 1974 - UK 2).

Employment protection legislation does not differentiate between employees on the basis of nationality. Model or written contracts are not compulsory, nor is provision made for the translation of a contract of employment.

Immigration for employment must normally have a work permit, issued by the Department of Employment, on arrival. Exceptions

include ministers of religion, doctors, dentists. Entry is normally granted for up to 12 months. Thereafter, overseas workers may be permitted to remain provided that they remain in approved employment for four years. They may then be considered for indefinite stay. The worker may be accompanied or joined by his wife and children under 18 years of age. Other dependent relatives may be permitted to join him once he has been admitted for an indefinite stay, or if he is a national of an EEC country. The freedom to take employment of wives and children is not normally restricted.

After four years, an overseas worker is normally allowed to remain indefinitely and he and his wife and children under 18 are no longer subject to any limitation as regards time or the taking or change of employment.

Where an overseas worker whose stay is still subject to a time limit is no longer in approved employment or has become a charge on public funds, he is normally given ample opportunity to find further employment. If he is refused permission to remain further, he normally has a right of appeal to an independent adjudicator. Once he has been permitted to remain on an indefinite basis he would not be required to leave solely on account of his lack of means or the state of the employment market.

Migrant workers resident in Great Britain who are EEC nationals may apply for training under the Training Opportunities Scheme (TOPS). Applications are not accepted from non-EEC nationals whose stay in this country is subject to employment time restrictions, with two exceptions: male non-EEC nationals newly married to women settled in the United Kingdom, and refugees.

The aim of the Manpower Services Commission's programme of industrial language training for ethnic minorities is to provide training for some 50,000 employees over the period ending in 1987, together with complementary training for supervisors and management. Since 1974, language training for about 7,000 employees has been provided.

The Work Permit Scheme requires foreign nationals (except those from EEC States) and Commonwealth citizens to have a work permit issued for a specified job with a named employer. For a period which is usually four years, any change of employment must be authorised and the worker cannot be accepted for state-funded training. Permits are only issued where specialist qualifications or skills are required and a resident is not available for the job. The only exceptions are the quota arrangements for certain occupations or categories of workers; these quotas have been reduced in recent years. The Work Permit Scheme prevents the acceptance of the provisions of paragraph 14, the skills criterion being an important part of the Scheme, given unacceptable levels of unemployment among the resident labour force, in restricting immigration for employment as much as possible consistent with the country's need of special skills. With this exception, these instruments are compatible with the Work Permit Scheme. It is most unlikely that any changes will be made to the Scheme in the near future that will bring it into line with these instruments.

Under the Education Act, 1944, the children of migrants have the same rights of access to schools as indigenous children.

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Persons who come to the United Kingdom for employment, all overseas students, pay higher rates of fee and are subject to the overseas students quota (full-time and sandwich courses only) until they have been resident in the United Kingdom for three years. The only current exceptions to this are students on courses laid on expressly for them and charged full cost fees, or the children of migrant workers from other EEC countries. Migrants who have been in the United Kingdom for less than three years may enrol for courses subject to places being available and the fee being paid. Difficulties over the quota should not arise in most cases as presumably part-time courses would normally be involved. Students do not qualify for awards until they have been ordinarily resident for three years; authorities have the power to make discretionary awards but are unlikely to do so within the three-year period.

CONVENTION NO. 143

Trade Union and Labour Relations Act 1974, Ch. 52 (LS 1974 - UK 1)
and Trade Union and Labour Relations (Amendment) Act 1976, Ch.
7 (LS 1976 - UK 1).

The rights afforded to workers in employment legislation apply equally to migrant workers and nationals.

Criminal proceedings may be taken against a person if he knowingly enters the United Kingdom in breach of a deportation order or without leave, or remains beyond the time limited by the leave to enter, or fails to observe a condition of the leave. Penalties include a fine of up to £200 or imprisonment for up to six months, or both. Criminal proceedings may also be taken against any person knowingly assisting the entry into the United Kingdom of an illegal entrant. Penalties include a fine of up to £1,000 or imprisonment for up to seven years, or both. In addition, criminal proceedings may be taken against a person who knowingly harbours an illegal entrant or a person who has overstayed his leave or infringed the conditions imposed. Penalties include a fine of up to £400, imprisonment for up to six months, or both.

The Work Permit Scheme described under Recommendation No. 86 has been in force since 1 January 1973 and it is the Government's policy to confine any future immigration within the strictest limits, consistent with the country's need for people possessing scarce skills.

General responsibility for immigration control and the entry and stay of foreign nationals rests with the Home Office, and guarantees of migrant workers' rights with the Department of Employment.

It is not an offence for an employer to employ a migrant worker who does not have permission to engage in that particular employment. Criminal proceedings may be taken against a person who engages in unauthorised employment, but not normally against the employer, except possibly for "aiding and abetting" an offence or harbouring an illegal entrant or a person who has committed an offence.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

In the United Kingdom there is no system of documentation (such as the compulsory carrying of identity cards) which would readily show that a person is (or is not) entitled to take employment. This is one of the main reasons why it is not thought possible at present to legislate so as to make an employer responsible for the illegal employment of a migrant worker.

There has been no change in the three-year residence requirement for mandatory awards of education grants. However, it has been accepted that by virtue of EEC Regulation 1612/68, the three-year rule does not apply to the children of EEC migrant workers, and the Government is working on an amendment to the awards regulations to reflect this.

The Government has mounted a series of research projects to explore the need for mother tongue teaching, how it can best be undertaken and its implications both for the education system and for the other aspects of the migrant children's education.

The requirement of three years' residence before qualifying for a mandatory award appears to be an obstacle to ratification of Part II. Article 10 establishes the policy of "equal opportunity ... in cultural rights ... for ... migrant workers or their families.". While Article 11 excludes from the operation of the Convention "persons coming specifically for purposes of training or education", this exclusion does not appear to cover children or families of migrants who are legitimately here but have not yet resided for three years. It seems, therefore, that there would be an obligation under Article 12(b) to "enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy" specified in Article 10.

RECOMMENDATION NO. 151

Race Relations Act 1976, Ch. 74 (LS 1976 - UK 2).

The Race Relations Act 1976, which does not apply to Northern Ireland, makes discrimination on grounds of colour, race, nationality, ethnic or national origin unlawful in employment, training and related matters in education, in housing and in the provision of goods, facilities and services.

It is unlawful under the Act for an employer to discriminate in the recruitment of new employees or in his treatment of existing employees (e.g. in such matters as promotion, training and dismissal). Discrimination by employment agencies, training bodies, qualifying bodies, partnerships, employers' associations and trade unions is unlawful. There are some limited exceptions, for example, where being a member of a particular group is a genuine occupational qualification for a particular job.

The Department of Employment's Race Relations Advisory Service has the general role of promoting racial equality and harmony in employment. Individuals have the right to make complaints to

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industrial tribunals and there is provision for conciliation by officers of the Advisory Conciliation and Arbitration Service in respect of these complaints. The Commission for Racial Equality was established by the Act to help enforce the legislation and to promote equality of opportunity and good relations between people of different racial groups generally.

A scheme initiated in 1974 to promote English language training at the workplace is now operated by some 27 units based in most of the industrial centres with high immigrant populations. Both the units and the National Centre for Industrial Language Training, which provides support services, are fully funded by the Manpower Services Commission.

The entry to and stay in the United Kingdom of overseas nationals subject to immigration control is governed by the Immigration Act 1971 and the Immigration Rules made under that Act. The reunification of a family in accordance with the principles described under Recommendation No. 86, is subject to an overseas worker being able and willing to support and accommodate his dependants without recourse to public funds.

An overseas worker's authorisation to remain in the country would not automatically be withdrawn because of the loss of his employment. He would be given ample opportunity to obtain further approved employment. Where an overseas worker fails to comply with the immigration laws, he is informed as soon as practicable whether or not his position can be regularised.

A person who is not patrial may be deported if he has failed to comply with a condition attached to his leave to enter or remained beyond the authorised time; if the Secretary of State deems his deportation to be conducive to the public good; if he or she is the wife or child under 18 of a person ordered to be deported or if he, after reaching the age of 17, is convicted of an offence punishable with imprisonment and the court recommends deportation. In considering whether to give effect to a recommendation for deportation made by a court on conviction the Secretary of State will take into account every relevant factor.

Where an overseas worker or his family are the subject of a deportation order, the cost of removal normally falls on public funds.

A migrant worker against whom a deportation order is made, or who has been refused leave to remain in the United Kingdom, has a right of appeal against the decision to an independent adjudicator. The only cases where there is no right of appeal is when the Home Secretary has personally directed that a person be deported or where the decision has been taken in the interests of national security or on political grounds. Such cases are, however, referred to a panel of advisers.

In addition, there is no right of appeal provided in the Act against a deportation order made after the recommendation of a court of law. There is, however, a right of appeal against the destination specified in the removal directions in such cases. A person who is refused further leave to remain in the United Kingdom has a right of appeal except where he has remained in the country unlawfully, i.e. beyond the period of permitted stay. A person who

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

is the subject of a deportation order or a decision to refuse further leave to remain is not removed from the United Kingdom until the result of the appeal is known.

The Work Permit Scheme, which has been described under Recommendation No. 86, is inconsistent with paragraphs 2 and 6 of the Recommendation: until the worker has had the time limits to his stay removed, usually after four years, his employment must be approved by the authorities, he has no right of access to vocational training, and his access to employment services is subject to the precedence of the resident labour force. With regard to paragraph 13(1) and paragraph 15 of the Recommendation, the immigration rules provide that dependants other than a wife or children will only be considered for admission after the time limit on the worker's stay has been removed.

Under EEC Regulation 1612/68 the UK has to consider EEC nationals for any vacancies ahead of third-country nationals. This possibly has some bearing on paragraph 31.

The Government would agree that migrant workers and members of their families should clearly be equal in respect of full membership rights in a co-operative.

So far as health and safety are concerned, the Health and Safety at Work etc. Act 1974 covers equally all persons at work.

The Department of Education and Science sees no problems in ensuring that "migrant workers and their families enjoy equality of opportunity in respect of ... the benefits of educational facilities". Local authorities have a responsibility to provide schools, etc. for the residents of their areas regardless of their nationality. The difficulties arise not in relation to access to educational facilities but rather in respect of whether there is additional provision to meet the special needs of migrants so as to ensure that their levels of attainment are not unfairly limited.

Brunei

RECOMMENDATION NO. 86

Labour Enactment, No. 11 of 1954

Workmen's Compensation Enactment, No. 5 of 21 February 1957

Trade Unions and Trade Disputes Enactments, Nos. 5 and 6 of 1961

Implementation of the labour legislation listed above and ancillary regulations, which are applicable to all workers (both nationals and migrants) without discrimination on any grounds, as well as of the Immigration Enactment and Regulations 1956-58 ensures that Brunei conforms to a certain extent with the Recommendation.

The numbers of migrant workers are controlled by means of employment permits issued under the Immigration Regulations by the

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Controller of Immigration in conjunction with the Commissioner of Labour, who issues the initial licence to the employer to recruit and employ migrant workers under strict conditions and control. Thorough inquiry is made by the Commissioner to ensure that the employers are fit and proper persons to employ them. Their places of employment and accommodation are examined by labour and health inspectors as to health and safety suitability.

Written contracts are required to be approved and attested (workers informed of their rights) in accordance with the Labour Enactment; not less than the prevailing wage for the type of work must be paid; housing, medical care, hospital treatment must be provided; repatriation, proper documentation and facilities to make remittances are ensured; similarly transfer to another employer is protected. General conditions of work and contracts are modelled to conform with the Labour Enactment, and the contract must be approved and stamped by the Commissioner of Labour as a precondition before issue of the employment permit by the Controller of Immigration.

In any dispute between the migrant and his employer, the migrant has full access to the Courts; and to mediation and conciliation at the hands of the Commissioner of Labour under the Trades Disputes Act 1961.

CONVENTION NO. 143

There are no legislative or other provisions specifically guaranteeing, as such, equality of opportunity and treatment to migrants. In practice there is such equality, the main labour legislation being applicable to all workers (both nationals and migrants) without discrimination on any grounds such as race, colour, sex, tribal association or any other cause.

See also under Recommendation No. 86.

RECOMMENDATION NO. 151

There is no specific legislation concerning the matters set out in the Recommendation. In practice implementation of the labour legislation and ancillary regulations ensures that Brunei conforms to some extent with the Recommendation.

Employers are subject to strong control through the licence to employ migrants.

Legislation limits the duration of the contract to two years after which the migrant must be returned at the employer's expense for re-unification with his family. It also secures the right to repatriation at the end of the work period in Brunei.

See also under Recommendation No. 86.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Gibraltar

CONVENTION NO. 143
RECOMMENDATIONS NOS. 86 AND 151

There are no laws or administrative regulations specifically giving effect to the provisions of these instruments.

The system of labour inspection administered by the Department of Labour and Social Security and the enforcement of the Immigration Control Ordinance are enough to prevent the illegal employment of migrant workers, and such cases as may arise are promptly discovered and dealt with. Neither is there any movement of migrant workers - clandestine or otherwise - in transit for employment elsewhere.

The Control of Employment Ordinance requires that an employer wishing to engage a foreign worker (other than a national of an EEC member state) must first obtain an employment permit from the Department of Labour and Social Security. He must produce a written contract of employment providing for terms and conditions of employment not less favourable than those prescribed by law or generally observed by good employers in Gibraltar.

A migrant worker who loses his employment is usually allowed to remain in Gibraltar for a reasonable period during which the Department of Labour and Social Security will attempt to place him in alternative employment. If this fails, his authorisation of residence is withdrawn.

Equality of treatment applies to all workers, irrespective of race or nationality, in such matters as remuneration, working conditions, social security, medical care and protection against unfair dismissal.

Because of the impossibility of meeting greater demands on housing, education, medical and other social services and because of Gibraltar's acute physical limitations of space foreign workers are not allowed to have their families living with them in Gibraltar, except on holiday for short periods.

No modifications have been made in the national legislation or practice specifically with a view to giving effect to the instruments.

Due mainly to the difficulties stated above, it is not intended to adopt measures in the foreseeable future to give effect to the provisions not yet covered by legislation or practice.

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Gilbert Islands

RECOMMENDATION NO. 86

Employment Ordinance, 1965

Immigration Ordinance, 1968

Immigration is in practice limited to technical and professional workers who are employed on contract under aid schemes for jobs which cannot be filled by local workers. It is policy to localise posts as soon as a local person is trained and experienced for a particular job.

The Secretary for Labour and Manpower who is also the Commissioner of Labour and the Principal Immigration Officer is entrusted with the supervision of the application of these Ordinances. Should any representative trade union make representations about migration these would be considered.

The provisions of the Recommendation are not relevant to the Gilbert Islands' present circumstances.

Guernsey

RECOMMENDATION NO. 86

Immigration Act 1971, Ch. 77 (UK Acts of Parliament).

Public Assistance Law, 1937.

Social Insurance (Guernsey) Law, 1978.

Industrial Disputes Conditions of Employment Laws, 1947/71.

The requirement that third-country migrants must have a work permit when they arrive in the Island (see in this regard under Convention No. 143) means that they normally have accommodation and employment to go to. The employers are able to inform migrants of immigration formalities, health conditions and any other questions which may be of interest to them. There are not sufficient numbers of migrants to warrant the formation of a body to provide this service, considering the special responsibility of employers.

Any intermediary who undertakes the placing of migrants for employment on behalf of an employer must have a written authority proving that he is acting on the employer's behalf. Migrants also receive contracts of employment translated into the most common languages.

The employment of technical persons is restricted by job availability and housing restrictions on non-locals. Therefore

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

wherever possible technical appointments are made from within the Island's indigenous population but in certain cases jobs such as chefs and qualified hairdressers can be offered to migrants if approved by the Labour and Welfare Committee and a permit issued by Immigration. Permission is usually granted for the members of a permanent migrant's family to accompany or join him. Members of migrants' families are accepted at Island schools.

There are no special conditions of employment applied to migrants. The number of migrants for employment is not sufficiently large to warrant the regular supervision of conditions of employment. There have been very few complaints and these have been dealt with by Customs and Immigration and/or the State Labour and Welfare Committee under the Industrial Disputes Conditions of Employment Laws, 1947/71.

At the end of the period of employment specified in the work permit or in the case of redundancy, a third country migrant must return to his home country. If the migrant has insufficient funds it is the responsibility of the employer (by virtue of a written guarantee on the work permit application form) to provide the necessary funds for repatriation.

Local migrants returning to the Island are not penalised with regard to unemployment benefit for their period away and will receive benefit providing they meet the same requirements as any other applicant, however whether or not they are paid public assistance is left to the discretion of the Procureurs of the Poor or the Stranger Poor Assistance Committee. There have been few applications for public assistance from such migrants in the last twelve months and all have received assistance.

The numbers of migrants from different countries are not sufficiently large to warrant bilateral agreements of the type annexed to the Recommendation.

The Customs and Immigration Department of the State Board of Administration is responsible for the administration of the Immigration Act, 1971. The Public Assistance Authority is responsible for the Social Insurance (Guernsey) Law, 1978; and the State Labour and Welfare Committee is responsible for the Industrial Disputes Conditions of Employment Law, 1947/71.

Current legislation and practice appears to satisfy the provisions of the Recommendation. Hence, in the circumstances, no modifications to existing legislation or practice appear to be called for.

CONVENTION NO. 143

The Island does not need to encourage immigration as the local workforce is generally adequate in all respects apart from the hotel industry. Thus the great majority of immigrants are seasonal hotel workers. Migrants to Guernsey fall into one of the following categories: United Kingdom and EEC countries - migrants from these areas do not have any employment restrictions imposed on them

MIGRANT WORKERS

although EEC migrants must apply for a residence permit once they have found a job; migrants from other countries (i.e. third country migrants) who must be in possession of a work permit on arrival in Guernsey. An employer wishing to employ a third country migrant must complete an application form for a work permit, which must be sent to the migrant prior to his arrival in the Island.

The requirement that third country migrants should be in possession of work permits on arrival has prevented a significant number of problems arising with regard to the illegal employment of migrants. Hence it is not felt that measures need to be taken to control this matter.

Due to the low number of migrants to the Island and the special responsibilities of employers of third country migrants, it is felt that the situation in Guernsey does not warrant a social policy formulated specifically to enable migrant workers and their families to share in advantages enjoyed by nationals; nor are there sufficient migrants of the same nationalities to warrant assistance being given to migrant workers to preserve their national and ethnic identities.

RECOMMENDATION NO. 151

See under Convention No. 143.

Hong Kong

RECOMMENDATION NO. 86

Employment Ordinance (Laws of Hong Kong, rev. ed., 1977, Ch. 57) and Employment Agency Regulations.

Contracts for Overseas Employment Ordinance (ibid., Ch. 78).

Workmen's Compensation Ordinance (ibid., Ch. 282).

Factories and Industrial Undertakings Ordinance (ibid., Ch. 59).

Immigration Ordinance, 1971, Ch. 115, and Regulations, 1972.

Registration of Persons Ordinance (ibid., Ch. 177).

Both nationals and non-nationals are entitled to equality of treatment in regard to benefits provided under the above legislation.

It is not the policy of the Government to encourage either emigration or immigration of manpower.

Most free services (conducted partly by the public authority and partly by voluntary organisations) are provided to all persons regardless of nationality, sex, age or residential status, except that for public assistance and special needs assistance there are residence qualifications.

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Pamphlets, guide books and other publicity material published by the Hong Kong authorities are normally in English and Chinese only.

For immigrant workers, facilities for return to the country of origin are provided by the Immigration Department and British visa posts overseas. For emigrant manual workers, return to the country of origin at employer's expense is regulated by employment contracts, attested by the Commissioner of Labour prior to departure of the worker, under the Contracts for Overseas Employment Ordinance.

As the number of immigrants for employment is relatively small and they are not normally accompanied on arrival by their families, it is considered not necessary to provide them with food, clothing and accommodation from public funds. Those who have secured employment before arrival are normally provided with such facilities by their employers. For emigrant manual workers the provision of food and accommodation by the employers is stipulated by their employment contracts.

Vocational training facilities are available to local residents and new arrivals alike. Such training is normally given in English and Chinese. Normally immigrant workers possess some special skills which are either scarce or not available in Hong Kong. Their need for vocational training is therefore minimal.

Earnings, savings and capital can be remitted freely.

All emigrant and most immigrant manual workers are protected by contracts of employment, which are written in a language they understand and attested by the Commissioner for Labour. For emigrant manual workers their contracts and terms are explained to them in detail by staff of the Labour Department.

There is no restriction on emigration for employment. However, due to population density, Hong Kong is not in a position to accept unlimited immigration. Immigrant workers are, as a rule, accepted for their qualifications and skills which are either scarce or not available locally, and are chosen by their employers. Private employment agencies must be licensed.

All emigrant manual workers have to be medically examined and certified fit under the Contracts for Overseas Employment Ordinance. Employees intending to leave Hong Kong for good are not covered by this Ordinance but are normally required by the immigrating countries to be medically examined. Likewise, immigrant workers are required to be medically examined and certified fit for employment.

There is close liaison with the Filipino consulate on the recruitment of Filipino domestic servants, the only category of immigrant workers recruited on a large scale.

The wife and minor children of any person who has secured permanent residence in Hong Kong are normally allowed to join him in Hong Kong, and favourable consideration is given to aged parents.

Limited restrictions on employment of immigrant workers are exercised through control on residence. Persons who have resided in Hong Kong for a period which is normally three years may be exempted from employment restrictions in further extensions of stay.

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The contracts of emigrant manual workers provide that where the law of the country of employment provides more favourable benefits to the worker than those specified in the contract, the worker shall be entitled to such benefits as are enjoyed by workers in comparable employment in that country.

It is not the policy of the Government to remove legally admitted immigrant workers and their families from Hong Kong on account of their lack of means or of the state of the employment market.

Consultations with the Labour Advisory Board, which has six employers' and six workers' members, are made as and when the need arises.

Returning emigrants and their families are entitled to all the benefits accorded to ordinary local residents except that they must requalify for certain social security benefits by regaining the necessary residence.

The small number of migrants for employment at present does not justify elaborate bilateral agreements. Close liaison, however, is maintained with some foreign countries on general matters concerning emigrant and immigrant workers.

CONVENTION NO. 143

In view of the wide scope of surveillance involved, it is considered not possible to apply the provisions of Article 2 at this stage.

Illegally employed migrant workers are unlikely to be found in Hong Kong as all immigrants seeking employment in Hong Kong should, by law, seek the approval of the Director of Immigration. Emigrant manual workers and immigrant domestic helpers (mainly from the Philippines) are also under close surveillance. Their employment contracts must be attested by the Commissioner for Labour. There are administrative arrangements with nine countries concerned in the enforcement of such employment contracts.

Consultations with the Labour Advisory Board, comprising equal representation of employers and workers, are held as and when the need arises. Employers' and workers' organisations are always co-operative in furnishing information in their possession.

To some extent, Article 3(a) is complied with through the Contracts for Overseas Employment Ordinance which controls contracts of employment entered into in Hong Kong by manual workers proceeding overseas for employment and the obtaining and supply of such workers. The Ordinance stipulates that these contracts are to be attested by the Commissioner for Labour and makes provisions on the minimum age for entering into an overseas contract. Illegal employment of migrants is unlikely, for, as legal migrant workers, their contracts of employment have to be screened by the Immigration Department which must ensure that the workers are taken care of financially before granting visas to them. The policy of the Government is to prevent illegal immigration and any persons caught

entering Hong Kong illegally are returned to their country of origin. In practice, it has not been possible to fully implement this policy. Those who remain are encouraged to obtain identity cards from the Registration of Persons Office and the great majority do. In this way their stay in Hong Kong is legalised. In any event, illegal immigrants who are not caught and returned to their country of origin may seek employment legally and this serves to protect them from possible exploitation.

The Hong Kong Government supports the principle of Article 5 but it may be difficult to create extra-territorial offences for manpower trafficking.

In connection with Article 6, it has not been necessary so far to prescribe special penal sanctions against the illegal employment of migrant workers or their employment in abusive conditions.

The Government's policy on the admission of immigrant workers in Hong Kong is that they must possess some skill or knowledge not readily available in Hong Kong, or their employment must be beneficial to Hong Kong. An employment visa/stay is granted for six months initially, followed by further extensions of six months or multiples of six months. On termination of the employment contract, further extension of stay will not normally be granted although, in practice, the worker will be allowed a grace period either to make preparations to leave or to seek new employment. Immigrant workers enjoy the security of employment accorded by the Employment Ordinance. They are admitted into Hong Kong for a definite type of employment and, as such, cannot change jobs without the approval of the Immigration Department, otherwise their employment visa would not be extended. Retraining is normally not a ground for extension of employment visa.

The labour legislation does not discriminate against illegal immigrant workers. In case of dispute, they may lodge claims with the Labour Relations Service of the Labour Department, the Labour Tribunal or judicial courts.

If the worker and his family have come under the guarantee of his employer, the cost of repatriation will be borne by the employer. If the worker is an illegal immigrant, the cost of repatriating him and his family will be borne by the Hong Kong Government. There are occasions, however, when the worker chooses to leave voluntarily, in which case he will bear the cost.

The Hong Kong Government has, since 30 November 1974, revised its policy so as to return illegal immigrants from China. Each case of illegal immigration is decided on its merits and full account is taken of any special circumstances.

Except for residence qualification for the purposes of obtaining social security benefits, there is no discrimination against immigrants as regards the rights and benefits provided for in Article 10. Discrimination against migrant workers or their families is rarely a problem in Hong Kong. Special measures in this regard are therefore unnecessary.

The rights and obligations of workers, which are equally applicable to migrant workers, are much publicised. In addition,

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the terms of employment of manual workers taking up overseas employment and of incoming domestic helpers are clearly spelled out in their employment contracts. The Labour Department's Labour Relations Service plays a complementary role in educating workers, including migrant workers. There are also training courses, talks and seminars on labour legislation and related matters organised by employees' unions, employers' associations and other interested organisations. Except for the residence qualification for the purposes of social security benefits, there are no statutory provisions and administrative instructions or practices inconsistent with the policy mentioned in Article 10. Migrant workers enjoy almost all the social benefits available to local residents.

Because of the diverse nationalities of migrants in Hong Kong, it would be impossible to provide schooling for all children in their mother tongue. However, assistance is given to foreign communities which run their own schools. Expatriates on contract either with the Hong Kong Government or private firms are assisted by the Education Department to enrol their children in English-speaking or other schools as appropriate. The general immigration policy is towards reunification of the families of migrant workers legally residing here. There are certain exceptions such as when the migrant worker has come to do manual work for a predetermined period on a designated project. The wife, dependent children and aged parents of the migrant worker are generally considered favourably for entry.

Whatever the length of stay in Hong Kong, immigrant workers are not normally permitted free choice of employment, as any change of employment requires the prior approval of the Immigration Department. The Immigration Department will consider the case favourably if the worker is in possession of some special skill not readily available locally and is filling a post which cannot be filled by a local person. However, the following categories may change their employment freely: persons of the Chinese race who have at any time been ordinarily resident in Hong Kong for a continuous period of not less than seven years; persons who have resided in Hong Kong for a considerable length of time and have been granted "Class A" status, which means that extensions of stay will be granted if such a person is in possession of a valid travel document; United Kingdom citizens.

Occupational qualifications acquired in the United Kingdom or Commonwealth countries are accepted in Hong Kong, while those acquired elsewhere are considered on individual merits.

Both the Employment Ordinance and the Contracts for Overseas Employment Ordinance are enforced by the Labour Department. The Immigration Ordinance and the Registration of Persons Ordinance and Regulations are administered by the Immigration Department.

No modifications have been made in legislation or practice with a view to giving effect to all or some of the provisions of the Convention. In general, the abuses the Convention seeks to eliminate do not exist in Hong Kong. It is therefore considered that, under present circumstances, it is not necessary to implement the provisions of the Convention. However, the position is kept under regular review.

RECOMMENDATION NO. 151

Because of overpopulation and the very limited area of land available, it is not the policy of the Hong Kong Government to allow large-scale immigration into Hong Kong for employment.

Vocational guidance provided by the Labour and Education Department is open to all schoolchildren including the children of migrants, as are the employment placement services of voluntary agencies, the Social Welfare Department and the Local Employment Service of the Labour Department. The Youth Employment Advisory Service provides careers information to young people without discrimination.

Industrial training is provided by employers either on or off the job, and employment is open to all on a competitive basis, as are the related technical and commercial courses offered by the technical institutes and the polytechnic. Relevant qualifications acquired outside or within Hong Kong are taken into account. As immigrant workers possess some special skills which are either scarce or not available in Hong Kong, their need for vocational training is minimal. Family members of migrant workers are free to seek employment of their own choice.

Advancement is, in general, in accordance with the individual's character, qualifications, experience, ability and diligence, although in some cases in the private sector some account is taken of place of origin or linguistic characteristics.

The free and mobile labour market in Hong Kong and the present shortage of labour guarantee fairly equal remuneration for work of equal value. Migrant workers are free to join trade unions under the Trade Unions Ordinance. The Co-operative Societies Ordinance does not exclude migrants from joining co-operative societies.

As discrimination against migrant workers hardly exists in Hong Kong, no special measures have so far been necessary. The Office of the Unofficial Members of the Executive and Legislative Councils or the Labour Department, as appropriate, may examine complaints of discrimination should any arise.

Migrant workers who have entered Hong Kong illegally may subsequently apply for an identity card. Those who are allowed to stay enjoy the same benefits and opportunities as others, subject to the residence qualification for certain social security benefits.

There are no provisions to cater for the special needs of immigrant workers and their families. In practice, the employers sponsoring them would make arrangements to facilitate their adaptation. Because there is no discrimination against immigrant workers and members of their families in general, a specific social policy to foster equality of opportunity and treatment is unnecessary. However, some voluntary agencies do provide limited assistance towards adaptation of immigrants.

The Immigration Department will facilitate the reunification of families of migrant workers whenever possible. In view of the shortage of all types of housing in Hong Kong, it is not possible to

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make specific provision for the accommodation of migrant workers to enable them to bring their families to Hong Kong. The ability to secure appropriate accommodation is one of the considerations taken into account by the Immigration Department in granting permission to reside in Hong Kong. No priority is given to immigrant workers or their families in the allocation of public housing. There are no other special provisions for meeting the housing needs of migrant workers.

Consultations with the Labour Advisory Board, which includes six workers' and six employers' representatives, is made as and when the need arises. However, in view of the small number of immigrant workers and the even smaller number who wish to bring their families to Hong Kong, the question of unification of migrant workers' families is not of sufficient general concern to justify extensive consultations.

All non-manual workers earning \$3,500 or less a month and all manual workers are entitled, under the Employment Ordinance, to seven days' paid annual leave on completion of 12 months' service. Migrant domestic helpers at the end of a contract, which is normally of two years' duration, are granted at least two consecutive weeks' home leave. Prospective employers are required to undertake, at their expense, to repatriate migrant workers at the end of their contracts. However, there are no provisions to provide financial assistance towards the cost of the travel on home leave. Group travel, or reductions in the normal cost of transport, may be arranged with travel agencies.

In view of its very dense population, Hong Kong does not participate in any formal international arrangements for free movement of labour; Paragraph 19 of Recommendation No. 151 is, therefore, not applicable.

Immigrant workers are not exposed to any special health risks. Because of the varied backgrounds of the migrant workers, it is impossible to ensure that publications and information on health and safety are provided in every worker's mother tongue. However, most workers understand enough English or Chinese to enable them to grasp the essentials of such laws and regulations. The Government is expending much effort in the promotion of occupational safety and hygiene. Regular inspections and specially designed training courses are conducted. Pamphlets and guides of labour legislation, printed in English and Chinese, are distributed free to the public. In 1978, factory inspectors of the Labour Department conducted 42,493 inspections in connection with industrial safety.

Immigrant workers and their families can benefit from social services and have access thereto under the same conditions as other local residents. However, there is no comprehensive policy on social services exclusively for immigrant workers and their families. Their number at present does not justify such a policy.

A migrant worker's loss of employment does not automatically imply the withdrawal of his visa. Extension of the visa will not normally be permitted if the worker is out of employment unless there are other grounds for extension, e.g. to look for alternative employment. The Immigration Ordinance stipulates that the lodging of an objection does not automatically give a person any right to remain in Hong Kong pending the decision of the authorities.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

The present labour legislation does not have provisions for reinstatement. However, migrant workers are entitled to indemnification under the Employment Ordinance. A migrant worker is normally allowed time to find alternative employment.

Migrant workers are entitled to the benefits listed in (a), (b) and (c) (i) of Paragraph 34 of the Recommendation.

Isle of Man

CONVENTION NO. 143

Immigration Act 1971, Ch. 77 (UK Act of Parliament), and Rules and Order made thereunder.

Employment Protection Acts 1975, Ch. 71 (LS 1975 - UK 2) and 1978, Ch. 44, and Regulations made thereunder.

Migrant workers are subject to employment control under one of the above Acts. If migrant workers are found to be working illegally appropriate action is taken which may, in the case of persons subject to immigration control, result in their leave to enter, or remain in, the Isle of Man being terminated.

Administration of the legislation is effected through the Lieutenant Governor and the Board of Social Security.

No modifications have been made in national legislation or practice to give effect to the provisions of the Convention.

Legislation at present in force does not give equality of opportunity to migrant workers with regard to employment and certain restrictions exist on their entitlements to social security benefits.

It is not intended at present to adopt measures to give effect to the provisions of the Convention not yet covered by legislation or practice.

MIGRANT WORKERS

Montserrat

RECOMMENDATION NO. 86

Emigrant Labourers' Protection Act (Cap. 135)

Emigrants Protection Act (Cap. 136)

Recruiting of Workers' Act (Cap. 138)

Supervision of the application of the legislations is entrusted to the Immigration Department. The organisations of employers and workers may make recommendations to the Government to supplement, amend or repeal the law, thereby ensuring that the interests of the parties concerned are duly represented and taken care of.

Provision will be made for coverage as the laws are revised from time to time.

CONVENTION NO. 143

There is no specific legislation meeting in toto the requirements of this Convention but the tripartite machinery entrenched in our industrial relations system affords some protection.

Most of the requirements of the Convention are met in practice but the introduction of any legislation on the subject will take into consideration such of the provisions as are not yet fully covered.

The Labour Code now before Parliament will give legislative effect to all or most of the provisions of the Convention which are not yet covered.

RECOMMENDATION NO. 151

No legislation exists in the colony with regard to any of the matters dealt with in the Recommendation but generally protection is given in practice to the standards spelt out in the Recommendation.

The Social, Welfare and Health Departments, Immigration and Labour Departments, all take care of the welfare, health, residence and employment needs of migrant workers in the same way as they would do for the needs of national workers. The organisations of employers and workers may be consulted from time to time on matters in which they have common or vested interests.

In time, what is now practice will be backed up by appropriate legislative measures.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

St. Christopher-Nevis-Anquilla

RECOMMENDATION NO. 86

Agreement for the employment in Canada of Commonwealth Seasonal
Agricultural Workers

The only scheme in operation is for the recruitment of seasonal agricultural workers for Canada. Due regard is given to the manpower situation by the local recruitment committee which is comprised of the Commissioner of Labour, the Chief Agricultural Officer and a trade union representative. Recruitment is usually restricted to agricultural workers in this State.

The necessary information and other appropriate facilities are provided by the Department of Labour. Provision is made for accommodation, food and clothing on arrival in Canada. A liaison officer is attached to the Caribbean High Commission in Canada. Information concerning the scheme (wages, placement of workers, labour need in Canada, etc.) is communicated to the Department of Labour here. The need for vocational training does not arise in a scheme such as this and the seasonal nature makes provisions for families unnecessary.

Medical examination of workers is carried out by local medical practitioners appointed so to do with the agreement of the Canadian immigration officials. Examinations are based on guidelines set by Canadian medical authorities to whom the results are sent for final study and approval before visas are granted.

The Department of Labour is responsible for the supervision of the application of legislation and regulations.

CONVENTION NO. 143

Immigration and Passport Ordinance, Cap. 145.

Recruiting of Workers Ordinance, Cap. 146.

Immigration and Passport (Amendment) Regulations of 19 November 1976
(Statutory Rules and Orders, No. 56 of 1976).

Cases of clandestine movements of migrants for employment and illegal employment of migrants have been almost non-existent.

There are no known barriers to equality of opportunity and treatment, although in most areas outlined under Article 12 not much initiative is taken to ascertain the facilities available specifically for migrant workers.

The Ministry of Home Affairs and the Departments of Youth, Cultural Affairs and Education are entrusted with the supervision of the application of the legislation and regulations.

MIGRANT WORKERS

RECOMMENDATION NO. 151

Where not expressed by law, in practice most of the rights and privileges outlined herein are enjoyed by migrant workers on the same basis as nationals.

Immigration authorities under the Ministry of Home and External Affairs and the Department of Labour are entrusted with the supervision of the application of the legislation and regulations.

URUGUAY

RECOMMENDATION NO. 86

Most of the provisions of the Recommendation, although in conformity with Uruguayan legislation and the principles which inspire it, are pointless or unnecessary. It is, however, recognised that changes in Uruguayan law might become necessary under the influence of special circumstances, and in this case the provisions of the Recommendation might be of current interest.

See also under Convention No. 143.

CONVENTION NO. 143

Decree of 6 December 1960 to issue further regulations respecting the entry and residence of foreigners (Diario Oficial, 3 Jan. 1961).

In connection with Part I, the Constitution provides that the basic rights of all inhabitants of the Republic shall be protected without distinction as to nationality. This provision is a broad one which also covers foreign workers.

The tendency in the Uruguayan legal system is to suppress clandestine immigration in general. Although no legal standards have yet been adopted to specifically regulate such matters, the Decree of 1960 imposes fines on employers and all persons organising clandestine or illegal immigration. There is no provision for civil and penal sanctions or for the prosecution of persons trafficking in manpower, employers or persons assisting illegal movements of migrants for purposes of employment; a special legal text would be required for this.

Foreign workers do not necessarily have to remain in their original employment for the purpose of obtaining a residence permit and they enjoy full equality with Uruguayan workers as regards guaranteed security of employment, finding new jobs, etc.

In general, the provisions of Part I are applied by the standards in force; where no standards exist, they coincide with the policy followed in the matter.

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

One reservation must be made, however, in connection with the provisions of Article 9, paragraph 3: as far as can be observed from the practice regarding expulsions no provisions exist in this respect; the foreigner pays the costs of travel if he has sufficient resources to do so.

As regards Part II there are no standards establishing distinctions between national and migrant workers; the labour and social security legislation is applicable to the latter. It should be stressed that the principle of equality applies both to foreigners who have entered the country lawfully and to those who regularise their situation after entry. There are no comments to be made regarding the definition of "migrant worker" in Article 11, or on the rights which member States may reserve under Article 14.

As regards the measures envisaged in Article 12 and the measures to facilitate the reunification of families referred to in Article 13, these generally coincide with the policy traditionally followed by the country with respect to foreign workers, whatever their origin, who have settled on the national territory.

RECOMMENDATION NO. 151

The paragraphs of Part I, "Equality of opportunity and treatment", under which no distinction should be made between migrant workers and nationals, are applied in Uruguay, with very few exceptions.

The same can be said for health protection and social services, since all the relevant legislation applies to nationals and foreigners without distinction.

Other measures including, for example, the spreading of the social cost of migrations over those who profit most from the work of migrants, cannot be applied in the present economic situation of the country.

Once a residence permit is granted it is automatically renewed on presentation of proof that the person concerned has not been absent from the country for more than three years.

The right of appeal against an expulsion order before an administrative or judicial instance exists under Uruguayan law, although the appeal does not stay the execution of the expulsion order.

See also under Convention No. 143.

MIGRANT WORKERS

VENEZUELA

CONVENTION NO. 97

Constitution.

Labour Act.

Regulations issued under the Labour Act, approved by Decree No. 1563 (Gaceta Oficial (GO), 31 December 1973, No. 1631, Special Issue).

Social Security Act of 22 June 1966 (LS 1966 - Ven. 2).

General regulations issued under the Social Security Act approved by Decree No. 389 of 7 March 1967 (GO, 6 April 1967, No. 1096, Special Issue).

Immigration and Settlement Act of 22 July 1936.

Aliens Act of 30 September 1937.

Regulations issued under the Aliens Act of 7 May 1942.

The last two Acts mentioned above now have no practical application inasmuch as they were adopted under very different circumstances from those now prevailing and migration policies have had to be redefined in the light of a substantial change in development requirements.

In the present situation, the possibility is being studied of promulgating a new Immigration Act repealing the previous text. ILO Conventions on the subject will provide useful background material. Pending the completion of the necessary studies, the Government has introduced a number of measures to promote a selective migration policy.

On 25 November 1975 the Selective Immigration Programme was created by Presidential decision in the Council of Ministers. Its executing unit is CORDIPLAN's Human Resources Programme.

On 2 April 1976 an Operational Agreement was signed between CIME and the Government of Venezuela, in which the country subscribed to the Programme of Transfer of Technology through Selective Migrations.

On 29 June 1976, the National Council for Human Resources was created by Decree No. 1649.

On 19 July 1976 a supplementary agreement was signed between CIME and Venezuela, establishing joint operational machinery.

On 23 September 1976, the Joint Study Committee on Migration and Allied Matters was created by Resolution No. 382 of the Ministry of Foreign Affairs.

On 8 October 1976, a Tripartite Committee on Selective Immigration was constituted within the National Council for Human

CONVENTIONS NOS. 97 AND 143
RECOMMENDATIONS NOS. 86 AND 151

Resources, by virtue of Circular No. 18 of the Office of the President of the Republic.

On 25 April 1978, Regional Human Resources Units were set up by Decree No. 2660, as part of the Human Resources Programme, for the execution of projects to be carried out in the following regions: Los Andes, Nor-Oriental, Inliana and Guayana.

On 29 May 1978 the Operational Agreement on Migration was signed between Venezuela and Portugal.

On 12 July 1978, the National Congress passed an Act to approve the Andean Labour Migration Instrument (Decision 116 of the Commission of the Cartagena Agreement).

Although the Convention has not been ratified by Venezuela, some of its provisions are covered by current legislation or practice in the country. This is so of Article 2 which provides for the maintenance of an adequate and free service to assist migrants for employment and to provide them with information. In Venezuela, this is done by the Human Resources Programme, which is the unit responsible for carrying out the process of selective immigration and for facilitating the departure, journey and reception of migrants for employment (Article 4 of the Convention).

The provisions of Article 5 are routine practice in all enterprises and therefore require no further comment.

Article 6 contains provisions designed to prevent discrimination in labour and social security matters. This principle is embodied in the Constitution in Venezuela (articles 61, 76 and 84 to 88) and in the Labour Act and regulations issued under that Act.

The provisions of Article 7 are covered by Decision 116 of the Cartagena Agreement (Andean Labour Migration Instrument), adopted by the member countries of the Andean Pact, and by bilateral agreements signed with other countries from which Venezuela receives a large number of immigrants. The same observations apply to Article 10 of the Convention.

The remaining Articles of the Convention contain formal provisions that do not require further comment.

The Human Resources Programme is responsible for executing the selective immigration policy in co-ordination with the following bodies: Ministry of Domestic Affairs, for the granting of the corresponding visa; Ministry of Labour, which enforces the labour laws and regulations; Ministry of Foreign Affairs, which grants the corresponding visa through the Venezuelan consulates; the National Council for Human Resources, with which the Human Resources Programme co-ordinates the collection of the necessary information for defining immigration policy targets; the Tripartite Committee on Selective Immigration, which is the machinery through which the public, entrepreneurial and labour sectors examine the requests submitted by enterprises and reach appropriate decisions.

MIGRANT WORKERS

CONVENTION NO. 143 RECOMMENDATIONS NOS. 86 AND 151

See under Convention No. 97.

ZAMBIA

CONVENTION NO. 143

Constitution, Act No. 27 of 25 August 1973.

Immigration and Deportation Act (Cap. 122).

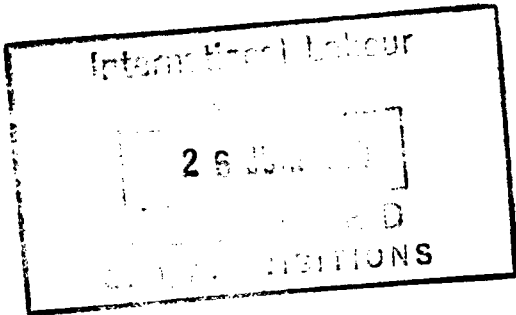
Industrial Relations Act, No. 37 of 1972 (Government Gazette, 29 Dec. 1972, No. 992, Legislative Supplement, p. 227).

The Constitution provides for the fundamental rights and freedom of every person in Zambia, and these rights are extended to migrant workers lawfully in the country. Under the Industrial Relations Act workers without distinction, and irrespective of country of origin, have the right to form and join trade unions and to hold trade union office.

The employment of migrant workers in Zambia is governed by the Immigration and Deportation Act, under which they must have a work permit. Normally a work permit would only be issued to an applicant who has skills that are in short supply within Zambia and the permit is issued for a limited period only. Migrant workers lawfully in the country are entitled to equal treatment in respect of employment terms.

To control the number of illegal migrant workers entering Zambia the Department of Immigration takes steps such as scrutinising aliens more closely at ports of entry. At the same time, border patrols have been increased. Local police are also authorised to help the Immigration Department in apprehending illegal migrant workers. Employers are required by law, to check on an immigrant's status before he could be offered employment. Employers who knowingly employ prohibited immigrants are liable to prosecution.

Zambia has adopted a localisation policy designed to facilitate the employment of nationals in responsible positions. Where Zambians are not yet sufficiently skilled to take over from expatriates, such positions will continue to be filled by aliens who must possess work permits.



**Report III
(Part 3)**

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

**Summary of Information
Relating to the Submission to the
Competent Authorities of Conventions
and Recommendations Adopted by
the International Labour Conference**

(Article 19 of the Constitution)



International Labour Office Geneva

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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 64th Session held in Geneva from 7 to 28 June 1978.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 28 June 1979, and the period of 18 months on 28 December 1979.

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 63rd Sessions (1948 to 1977). 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 65th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 13 to 26 March 1980, the information received from the governments, as stated in its report.

List of instruments adopted by the Conference at its
54th to 64th Sessions¹

54th Session (1970)

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

55th Session (1970)

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

56th Session (1971)

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

57th Session (1972)²

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

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

58th Session (1973)

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

59th Session (1974)

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

60th Session (1975)

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

61st Session (1976)

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

62nd Session (1976)

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

63rd Session (1977)

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

64th Session (1978)

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

Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 64th Session (Geneva, 1978) and supplementary information on the texts adopted at its 31st to 63rd Sessions (1948 to 1977)

Afghanistan. Convention No. 137 and Conventions Nos. 139 to 142, adopted by the Conference at its 58th, 59th and 60th Sessions, have been ratified.

Algeria. The instruments adopted at the 63rd Session of the Conference were submitted to the President of the Republic on 23 February 1980.

Angola. The instruments adopted at the 61st, 62nd, 63rd and 64th Sessions of the Conference were submitted to the Council of the Revolution on 24 January 1980.

Argentina. The instruments adopted by the Conference at its 64th Session have been submitted to the President of the Republic.

Banladesh. The instruments adopted by the Conference at its 64th Session have been submitted to the competent authorities.

Belgium. The instruments adopted by the Conference at its 63rd Session were submitted to Parliament on 28 May 1979.

Ratification of Conventions Nos. 148 and 149 and acceptance of Recommendations Nos. 156 and 157 are envisaged. The instruments adopted at the 64th Session were submitted on 21 November 1979. Ratification of Conventions Nos. 150 and 151 and acceptance of Recommendations Nos. 158 and 159 are envisaged.

Benin. The instruments adopted by the Conference at its 64th Session were submitted to the National Council of the Revolution on 15 November 1978.

Brazil. Recommendation No. 120, adopted by the Conference at its 48th Session, has been submitted to the Congress and approved.

Bulgaria. The instruments adopted at the 64th Session of the Conference were submitted to the Council of State on 25 January 1980.

United Republic of Cameroon. The instruments adopted by the Conference at its 64th Session were submitted to the competent authorities on 11 May 1979.

Central African Republic. The instruments adopted by the Conference at its 49th, 50th, 52nd, 60th, 61st and 63rd Sessions were submitted to the Council of Ministers on 22 October 1979.

Chile. The instruments adopted by the Conference at its 63rd and 64th Sessions have been submitted to the competent authority.

Colombia. The instruments adopted by the Conference at its 58th, 59th and 60th Sessions, and Recommendations Nos. 132, 141, 158 and 159, adopted at the 52nd, 55th and 64th Sessions, have been submitted to Congress.

Congo. The instruments adopted by the Conference at its 64th Session were submitted to the Military Committee of the Party on 12 October 1978. Ratification of Convention No. 151 is envisaged.

Cyprus. The instruments adopted by the Conference at its 63rd Session were submitted to the House of Representatives on 25 October 1979.

Czechoslovakia. The instruments adopted by the Conference at its 63rd Session were submitted to the Federal Assembly on 15 January 1980.

Denmark. The instruments adopted by the Conference at its 62nd and 64th Sessions were submitted to Parliament on 27 October 1977 and 18 May 1979 respectively.

Ecuador. The instruments adopted by the Conference at its 64th Session were submitted to the competent authorities on 8 March 1979.

Egypt. The instruments adopted by the Conference at its 64th Session have been submitted to the National Assembly.

Finland. The instruments adopted by the Conference at its 64th Session were submitted to Parliament on 1 June 1979. Conventions Nos. 150 and 151 have been ratified.

France. The instruments adopted by the Conference at its 64th Session were submitted to Parliament on 26 September 1979. Ratification of Convention No. 151 is envisaged.

Gabon. The instruments adopted by the Conference at its 64th Session have been submitted to the National Assembly. Convention No. 150 has been ratified.

German Democratic Republic. The instruments adopted by the Conference at its 64th Session have been submitted to the People's Chamber.

Greece. Convention No. 147, adopted by the Conference at its 62nd Session, has been ratified.

Guatemala. The instruments adopted by the Conference at its 64th Session were submitted to Congress on 7 November 1978.

Honduras. The instruments adopted by the Conference at its 64th Session were submitted to the Head of State on 23 May 1979.

Hungary. The instruments adopted by the Conference at its 64th Session were submitted to the Presidential Council on 21 May 1979.

Iraq. The instruments adopted by the Conference at its 64th Session have been submitted to the competent authorities. Convention No. 145, adopted at the 62nd Session, has been ratified.

Italy. Conventions Nos. 141 and 142, adopted by the Conference at its 60th Session, and Convention No. 144, adopted at the 61st Session, have been ratified.

Ivory Coast. The instruments adopted by the Conference at its 64th Session were submitted to the National Assembly on 19 January 1979.

Japan. The instruments adopted by the Conference at its 64th Session were submitted to the Diet on 15 May 1979.

Kuwait. The instruments adopted by the Conference at its 64th Session were submitted to the Cabinet on 18 March 1979 and 2 April 1979.

Luxembourg. The instruments adopted by the Conference at its 63rd and 64th Sessions were submitted to the Chamber of Deputies on 19 December 1978 and 11 October 1979 respectively.

Madagascar. The instruments adopted by the Conference at its 64th Session were submitted to the Supreme Council of the Revolution on 6 June 1979.

Mexico. Conventions Nos. 146, 148 and 149, adopted by the Conference at its 62nd and 63rd Sessions, have been submitted to the Senate.

Morocco. The instruments adopted by the Conference at its 63rd Session were submitted to the Prime Minister on 25 October 1978 and to the Speaker of the House of Representatives on 10 May 1979. Those adopted at the 64th Session were submitted to the same authorities on 8 February 1980.

Nepal. The instruments adopted by the Conference at its 64th Session have been submitted to the Cabinet.

New Zealand. The instruments adopted by the Conference at its 63rd and 64th Sessions were submitted to the House of Representatives on 6 July 1979 and 5 December 1979 respectively.

Nicaragua. The Conventions adopted by the Conference at its 63rd and 64th Sessions were submitted to the Junta on 12 December 1979.

Nigeria. The instruments adopted by the Conference at its 64th Session were submitted to the Federal Executive Council on 22 November 1978.

Norway. The instruments adopted by the Conference at its 64th Session were submitted to Parliament on 1 June 1979. Conventions Nos. 150 and 151 have been ratified.

Peru. Recommendations Nos. 113 to 122 and 127 and the instruments adopted by the Conference at its 51st to 55th and 58th to 64th Sessions have been submitted to the Council of Ministers.

Philippines. The instruments adopted by the Conference at its 64th Session have been submitted to the Prime Minister.

Rwanda. The instruments adopted by the Conference at its 64th Session were submitted to the President of the Republic on 1 December 1978.

Saudi Arabia. The instruments adopted by the Conference at its 64th Session have been submitted to the Council of Ministers.

Senegal. The instruments adopted by the Conference at its 64th Session were submitted to the National Assembly on 10 May 1979.

Singapore. The instruments adopted by the Conference at its 62nd and 63rd Sessions were submitted to Parliament on 27 September 1979.

Sudan. The instruments adopted by the Conference at its 62nd and 63rd Sessions were submitted to the Cabinet in August 1979.

Suriname. The instruments adopted by the Conference at its 61st Session were submitted to Parliament on 19 July 1979. Convention No. 144 has been ratified.

Sweden. The instruments adopted by the Conference at its 64th Session were submitted to Parliament on 8 March 1979. Conventions Nos. 150 and 151 have been ratified.

Turkey. The instruments adopted by the Conference at its 64th Session were submitted to the Senate on 5 February 1979 and to the National Assembly on 26 December 1979.

United Kingdom. The instruments adopted by the Conference at its 64th Session were submitted to Parliament in December 1979. Ratification of Conventions Nos. 150 and 151 has been proposed.

Uganda. The instruments adopted by the Conference at its 64th Session have been submitted to the Cabinet.

Ukrainian SSR. The instruments adopted by the Conference at its 64th Session have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

USSR. The instruments adopted by the Conference at its 64th Session have been submitted to the Presidium of the Supreme Soviet and communicated to the members of the Supreme Soviet.

Upper Volta. The instruments adopted by the Conference at its 64th Session were submitted to the President of the Republic on 14 June 1979. Ratification of Convention No. 150 is envisaged.

Uruguay. Conventions Nos. 137 to 141, 143, 150 and 151, and Recommendations Nos. 145, 147, 149, 151, 153, 158 and 159, have been submitted to the Council of State.

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**International Labour Conference
66th Session 1980**

**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)**

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and Observations concerning Particular Countries**

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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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¹ The roman numerals and letters refer to sections of Part Two of this report and the arabic numerals to the numbers of the Conventions.

² The abbreviations used in respect of direct requests are the following:

"Art. 22": application of ratified Conventions in member States.

"Art. 35": application of ratified Conventions in non-metropolitan territories.

"Subm.": submission of Conventions and Recommendations to the competent authorities.

The numbers refer to Conventions.

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PART ONE

GENERAL REPORT

GENERAL REPORT

I. INTRODUCTION

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 50th Session in Geneva from 13 to 26 March 1980. The Committee has the honour to present its report to the Governing Body.

2. The Committee paid tribute to the contribution of Ambassador Paul Ruegger to its work during his more than 20 years' membership, which he had wished to terminate. A member of the Committee since 1958, Mr. Ruegger presided over several bodies appointed by the International Labour Organisation in important proceedings for the advancement of the international protection of human rights. His great experience, his careful objectivity and a firm attachment to the principles of the ILO, of extreme value in the pursuit of the Organisation's work, have likewise marked his participation in the Committee's work. These qualities will be deeply missed.

3. The Governing Body has appointed Mr. Fernando Uribe Restrepo (Colombia) as member of the Committee, which was pleased to welcome him at its present session.

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 Foundation;

Mr. Roberto AGO (Italy),

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

Mr. G nther 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;

Mrs. Hanna BOKOR-SZEG  (Hungary),

Head of the International Law Department, Institute for Legal and Administrative Sciences, Hungarian Academy of Sciences; Professor of International Law, University of Economics, Budapest; former member and Chairman of the United Nations Commission on the Status of Women; Secretary of the Hungarian Branch of the International Law Association; former member of the delegation of Hungary at the International Labour Conference;

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

Professor Emeritus of Labour Law of the State University 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;

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; former Chairman of the National Labor Relations Board (1961-70); arbitrator; member, Public Review Board, United Auto Workers; member, Board of Directors, Migrant Legal Action Programme;

Mr. E. RAZAFINDRALAMBO (Madagascar),

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

GENERAL REPORT

Mr. Jose Maria RUDA (Argentina),

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

Mr. Boon Chiang TAN (Singapore),

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

Mr. Senjin TSURUOKA (Japan),

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

Mr. Grigory TUNKIN (USSR),

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

Mr. Fernando URIBE RESTREPO (Colombia),

Judge of the Supreme Court of Colombia; Professor of International Labour Law at the National University of Colombia;

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

Mr. Joza 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;

Sir John WOOD (United Kingdom),

GBE, 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 elected Sir Adetokunbo ADEMOLA as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee.

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

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

7. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, which consists essentially of the following three parts: (a) review of reports from governments on ratified Conventions, supplied under articles 22 and 35 of the Constitution (see paragraphs 60 to 85 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 86 to 94 below), and Part Two (III); and (c) review of reports supplied by governments under article 19 of the Constitution on the Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation, 1949 (No. 86), as well as the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Migrant Workers Recommendation, 1975 (No. 151) (see paragraphs 95 to 100 below, and Part III, which is published in a separate volume as Report III (Part 4B)).

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

9. The United Nations was represented at the session.

II. GENERAL

Membership of the Organisation

10. Since the Committee's last meeting, the United States has again become a Member of the ILO. Cape Verde, Grenada and Viet Nam have also become Members, bringing the total membership to 141.

New Conventions and Recommendations

11. The Committee noted that at its 65th Session (June 1979) the International Labour Conference adopted the Occupational Safety and Health (Dock Work) Convention (No. 152) and Recommendation (No. 160), and the Hours of Work and Rest Periods (Road Transport) Convention (No. 153) and Recommendation (No. 161).

Obligations binding member States

12. In the course of 1979, 125 ratifications by 41 member States were registered. Of these, 93 were new ratifications and 32 represented the confirmation by Cape Verde (7) and by Grenada (25) of obligations previously undertaken in their name. The number of new ratifications was particularly high and has been exceeded only once - in 1977 - during the last eight years. The Committee welcomed this evidence of the continuing value attached by the member States of the ILO to its standard-setting work. It notes, furthermore, that the new ratifications came from 41 member States as opposed to 33 in 1978.

13. The ratifications of the Labour Administration Convention, 1978 (No. 150) will permit the entry into force of the Convention on 11 October 1980. At 31 December 1979 the total number of ratifications was 4,766.

14. In 1979, 15 new declarations were registered, 10 without modifications and 5 with modifications, concerning the application by the United Kingdom, of Conventions to non-metropolitan territories; in 17 other declarations, this Government stated that it reserved its decision or that the Convention was not applicable. The total number of declarations at 31 December 1979 included 1,037 declarations of application without modification and 82 with modifications. The British territories of the Gilbert Islands (now Kiribati), St. Lucia and St. Vincent having acquired independence in 1979, the number of non-metropolitan territories has been reduced to 29 at 31 December 1979.

15. One denunciation unaccompanied by the ratification of a revised Convention was registered during 1979 by Singapore in respect of the Abolition of Forced Labour Convention, 1957 (No. 105). The total number of denunciations unaccompanied by the ratification of a revised Convention was 30 at 31 December 1979.

Functions in regard to other international
and regional instruments

International Covenant on Economic,
Social and Cultural Rights

16. Under the procedure established by the Economic and Social Council of the United Nations by Resolution 1988 (LX) of 11 May 1976, the International Labour Organisation is called upon to report to the Council, in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of its activities. The Governing Body of the International Labour Office has entrusted this task to the present Committee.

17. At its sessions in 1978 and 1979, the Committee had examined the position regarding the implementation of Articles 6 to 9 of the Covenant, on which States Parties had been requested to report

in the first stage of the reporting programme established by the Economic and Social Council. These articles of the Covenant deal with matters falling within the scope of activities of the International Labour Organisation, namely the right to work, the right to just and favourable conditions of work, trade union rights and the right to social security. In 1978 and 1979, the Committee had been able to examine the position with regard to the implementation of these articles of the Covenant of altogether 23 States Parties whose reports had been communicated to the International Labour Office by the Secretary-General of the United Nations.

18. This year the Committee had before it reports concerning the implementation of Articles 6 to 9 of the Covenant from four further States: Bulgaria, Jamaica, Spain and Syrian Arab Republic. As in previous years, 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 this matter is being transmitted to the Economic and Social Council.

19. In 1979, reports became due from States Parties to the Covenant, under the second stage of the reporting programme established by the Economic and Social Council, regarding the implementation of Articles 10 to 12, which relate to the provision of protection and assistance to the family, mothers, children and young persons, the right to an adequate standard of living and the right to the highest attainable standard of health. Between December 1979 and March 1980, reports concerning these articles from 15 States have been communicated to the ILO. As it was not possible in the time available to complete the necessary analysis of these reports, the Committee has had to defer their examination until its next session.

European Code of Social Security

20. Under the procedure for the supervision of the European Code of Social Security, copies of reports on the Code and the Protocol thereto from ten ratifying States were examined by the Committee in accordance with the established supervisory procedure. In examining these reports, the Committee was able to note that these instruments were generally applied satisfactorily.

Collaboration with other international organisations

21. 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 Agriculture Organisation of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO). Copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) were sent to the United Nations, FAO and UNESCO.

22. The Committee noted that new arrangements have been instituted with international intergovernmental organisations concerning the application of certain recent Conventions with a view to increasing collaboration in the supervision of the application of international instruments on questions of common interest. This year,

therefore, copies of reports on the Rural Workers' Organisations Convention, 1975 (No. 141) were sent to the United Nations and to FAO, on the Human Resources Development Convention, 1975 (No. 142) to UNESCO, and on the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) to the United Nations, to WHO and to UNESCO. Similar arrangements have been concluded with the Intergovernmental Maritime Consultative Organisation (IMCO), to which copies of reports received on the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) have been sent. Information, which was taken into consideration by the Committee, was received on the application of these Conventions from FAO, IMCO, UNESCO and WHO. The representatives of these organisations also have the opportunity to participate in the sittings of the Committee of Experts at which the above-mentioned Conventions are discussed.

23. 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 1979, and in particular its comments on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) were brought to the attention of the United Nations Committee, and the ILO was represented at the meetings of that Committee in 1979. 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.

Regional examination of the application of standards

24. The Committee learned with interest that the Eleventh Conference of American States Members of the ILO (Medellín, September-October 1979) examined the question of the ratification and application of international labour standards in the countries of the region, with the emphasis on certain Conventions which were considered to be of special importance for the region. Several of these Conventions concern fundamental human rights (Conventions Nos. 29, 81, 87, 98, 100, 102, 105, 107, 111, 122, 129, 131, 135 and 138). The Committee noted that the Conference, in the resolution which it adopted on international labour standards, stressed that it was necessary for these States to give particular importance to the ratification of Conventions, especially those which the Governing Body has stated should be given priority. The Committee also notes that this resolution stressed the importance of tripartite consultations, of the effective application of legislation and of international labour standards, of the strengthening of labour inspectorates, and of the need for recourse to direct contacts to overcome difficulties in the application of these standards. Finally, it learned that the Office was invited to intensify its collaboration in this area by organising seminars, missions in the countries concerned, study grants and other forms of technical co-operation.

25. The Committee notes with interest that during the Third European Regional Conference (Geneva, October 1979), it was indicated that problems which may arise in the ratification and application of Conventions in European countries would henceforth be examined regularly by the European regional conferences. It also notes that this Conference adopted unanimously a resolution on freedom of association, trade union rights and industrial relations in Europe, and requested the governments of the European countries to ratify and fully

apply Conventions Nos. 87, 98, 135 and 151. It also invited governments and organisations of employers and of workers to make effective use of the ILO's supervisory machinery and to collaborate fully with it. In addition, the resolution requested the Office to undertake studies "analysing the trade union systems and industrial relations systems existing in Europe, with a view to organising frank and objective exchanges of ideas and experience".

Regional seminars on national and international labour standards

26. The Committee welcomed the continuation of the programme of seminars designed to familiarise the officials of national ministries of labour with the obligation of member States and ILO procedures relating to Conventions and Recommendations. It noted that a seminar was held in Bangkok from 22 October to 2 November 1979 for officials from the countries of Asia and the Pacific, which brought together 22 officials directly responsible for relations with the ILO from 18 countries of the region.

27. The Committee also noted with interest that a further seminar was organised by the ILO in Jakarta from 5 to 10 November 1979 at the request of the Indonesian Government. The seminar, which was the second to be organised at the national level, was attended by 26 senior officials from the Ministry of Labour and other ministries and public bodies, as well as by four representatives of employers' and workers' organisations.

Constitutional procedures of complaint and representation

28. The Committee noted that at its 212th Session (March 1980), the Governing Body adopted new Standing Orders for the examination of representations under article 24 of the Constitution.

29. Following the decision taken by the Governing Body at its 211th Session (November 1979) to close the procedure for the examination of the representation presented under article 24 of the Constitution concerning the observance by the Federal Republic of Germany of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee again examined the application of this Convention by this country, at its present session.

30. The Committee was informed that the Governments of France and Panama have agreed to resort to the procedure of direct contacts in relation to the two complaints presented by France concerning the observance by Panama of the Officers Competency Certificates Convention, 1936 (No. 53), the Repatriation of Seamen Convention, 1926 (No. 23) and the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), and that the Governing Body decided at its 211th Session to suspend its examination of this question as a whole pending the outcome of this direct contacts procedure.

31. The Committee was also informed that the Committee on Freedom of Association of the Governing Body is continuing its examination of the complaints under article 26 of the Constitution concerning the application of freedom of association Conventions by Argentina and Uruguay.

**III. ACTION FOR THE ELIMINATION OF DISCRIMINATION:
SPECIAL REPORTS ON THE DISCRIMINATION (EMPLOYMENT
and OCCUPATION) CONVENTION, 1958 (No. 111), BY
COUNTRIES THAT HAVE NOT RATIFIED IT**

32. The Governing Body, at its 208th (November 1978) and 209th (March 1979) Sessions, decided that countries that had not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), should be specially invited to provide reports on this Convention under article 19 every four years, the first of these reports to be requested in 1979. As the Committee noted in 1979, this special use of the article 19 procedure helps to make possible a regular examination of the situation in countries that have not ratified the Convention and to encourage them to ratify it. This time, the governments have been invited simply to give general information on the state of their law and practice, giving their main attention to the difficulties that may lie in the way of ratifying the Convention, the measures under consideration to overcome them and the prospects of early ratification. The decision of the Governing Body was taken following the adoption in 1977 of a resolution concerning human rights, in which the Conference pointed out that non-discrimination is a basic principle of the Constitution of the ILO and that its furtherance is a constitutional obligation for all member States. This decision implies that ratification should be a measure giving detailed and more precise form to a general obligation that already derives from the Constitution.

33. In fact, Convention No. 111 has now been ratified by 98 member States. It is drafted in terms sufficiently flexible and general to fit circumstances that vary greatly from country to country. It concerns the elimination of discrimination in respect of employment and occupation on the basis of race, colour, sex, religion, political opinion, social origin and national extraction (this last term does not refer to the situation of foreign migrant workers, which is covered by other instruments). The Convention calls on the countries that ratify it to pursue a policy for the elimination of discrimination adapted to national conditions and practice, to repeal or modify any statutory or administrative measures inconsistent with this policy and to adopt positive measures that may help to promote equality of opportunity and treatment in general practice. In 1963 and 1971, after reports on the Convention had been requested under article 19 in accordance with the usual procedure, the Committee devoted two general surveys to the situation in both ratifying and non-ratifying countries. Under the present special use of the article 19 procedure, the Committee, in the following paragraphs, will summarise and comment on the information thus obtained from the countries that have not ratified the Convention and on trends in the prospects of ratification.

34. Of the 41 member States that were asked to supply reports, the following 26 have provided information: Bahrain, Botswana, Burma, Burundi, United Republic of Cameroon, Comoros, El Salvador, Fiji, France, Greece, Indonesia, Japan, Kenya, Luxembourg, Mauritius, New Zealand, Rwanda, Seychelles, Singapore, Sri Lanka, Swaziland, Suriname, Uganda, United Kingdom (and the 11 non-metropolitan territories indicated below), Uruguay and Zambia. The Committee can only point out with regret that reports have not been received, at the time of the present examination, from 15 other countries: Bahamas, Congo, Democratic Yemen, Djibouti, Ireland, Democratic Kampuchea, Lao Republic, Malaysia, Nigeria, Papua New Guinea, Tanzania, Thailand, Togo, United Arab Emirates and Zaire. It is to be hoped that information will be provided shortly by these countries for the use of the Conference and the Governing Body.

35. Sixteen of the countries whose reports have been examined by the Committee have expressed their intention of ratifying the Convention in the more or less near future. In one of them (Zambia), ratification has in fact taken place since, and the procedure has been set in motion in another (France) and should lead to ratification before the end of the year. The information given by a number of other countries shows that national law and practice do not appear to stand in the way of ratification, which is under active study (Bahrein, Burma, Burundi, Greece, Indonesia, Japan, Mauritius, Rwanda and Seychelles) or has already been proposed to the competent authority (Uruguay, in 1963 and 1975). Two of these countries mention the adoption during recent years of measures corresponding to the aims of the Convention (Greece: modification of loyalty checks in the public services; Japan: action against discrimination on the basis of social origin and for the promotion of equality for women). In four countries, it is intended to ratify the Convention when certain measures being prepared at present have been taken: the adoption of new labour legislation (Swaziland, in respect of equal remuneration); amendments to this legislation (Kenya, in respect of equality of treatment between men and women in entitlement to leave); the implementation of practical action (Luxembourg, in respect of equality of opportunity and treatment for women, in accordance with a government statement of July 1979; this country states that discrepancies in the laws have been eliminated in recent years in respect of the right of the married woman to exercise an occupation and receive unemployment benefit); the elimination of wage discrimination in the mercantile marine (United Kingdom, where the process should be completed by the end of a period of five years that started in 1978 with the possibility of re-examination in 1980; the report also states that important legislative measures have been taken in recent years in conformity with the purpose of the Convention: Race Relations Act 1976, which replaces the 1968 Act, and Sex Discrimination Act 1975; the reports provided for the non-metropolitan territories - Antigua, Belize, Bermuda, Brunei, Falkland Islands (Malvinas), Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis-Anguilla, St. Helena and British Virgin Islands - mention no difficulty in the way of applying the Convention; some of them refer to restrictions relating to immigration or foreigners, but these questions are not covered by the Convention, as is pointed out above). One country (Suriname) states that there is no discrimination within the meaning of the Convention but it does not express any intention concerning ratification. Another country (United Republic of Cameroon) states that national law and practice are largely in conformity with the Convention and that ratification depends on their evolution, which is proceeding favourably. Further information would be necessary in these cases.

36. Eight countries state that ratification is not under consideration, at least for the present. Two of them state, however, that there is no discrimination and that national law and practice raise no difficulties (Comoros and El Salvador); in these conditions it is to be hoped that the position may be reconsidered shortly. Another (Uganda) refers to difficulties due to circumstances created by a recent political change, which should thus be of a temporary character. Difficulties in national law or practice are reported by five other countries. One of them, although it expresses its desire to ratify, considers that ratification is not possible in the near future, the reasons including a problem that seems to be linked to social origin (Botswana: the Government refers to traditional systems of labour relations in domestic service and in herding and agricultural activities, although new labour legislation at present under study will improve the situation). Another country states that national law and practice do not fully meet the requirements of the Convention (Sri Lanka, which states, however, that the Constitution provides for

protection against every form of discrimination and that action is being taken in respect of equal rights for women and equal remuneration; further information on the existing difficulties would therefore be useful). Lastly, three countries refer to problems concerning legislative action against discrimination (Fiji, in a general way; New Zealand, which states that important legislative measures have been taken in recent years, including the Human Rights Commission Act of 1977, but that they do not expressly cover discrimination on the basis of political opinion; Singapore, which considers that it would not be appropriate to legislate against the practices of employers in trade and small undertakings, consisting, in the multi-racial, multi-religious and multilingual context of the country, in employing persons of the same ethnic community). In this connection, the Committee points out that the terms of the Convention (Article 3(b)) are so flexible that there is not an absolute obligation to enact legislation in respect of all the questions that may affect the application of the Convention and that the conformity of the situation with the requirements of the Convention may result from other methods adapted to national conditions and practice (see the general surveys devoted by the Committee to the instruments on discrimination in 1963, paragraphs 60 and 76, and in 1971, paragraph 27). Furthermore, it does not seem that the ethnic preferences of small establishments in a multi-community society (mentioned by Singapore) necessarily reflect problems in respect of which the Convention assumes that specific measures are to be taken.

37. It is to be hoped that the countries which consider ratifying the Convention will shortly do so and that the countries which still encounter certain difficulties will also overcome them shortly or re-examine them, in the light of the above considerations, in cases in which they are not real obstacles to ratification. When the Governing Body decided on this special request for reports under article 19 of the Constitution, it invited the Director-General, at the same time, to take measures with a view to encouraging ratification of Convention No. 111 in particular through direct contacts. The Committee learns with interest that, in several cases, these contacts have already helped governments to make progress in considering the ratification of the Convention and to establish the means of overcoming the difficulties met with. It hopes that this practice of direct contacts will continue to develop as desired by the Governing Body.

38. Another important Convention in this field is the Equal Remuneration Convention, 1951 (No. 100), which relates specially to the elimination of discrimination between men and women workers in respect of remuneration for work of equal value. It is interesting to note that law and practice in a growing number of countries are tending to recognise that this aim cannot be reached in a satisfactory way unless national policy also aims at eliminating discrimination on the basis of sex in respect of access to the various levels of employment, as provided by Convention No. 111. The Committee wishes to stress the importance of mutual support in the efforts directed towards these two aims, and it hopes that these efforts will lead to further progress in the ratification and application of Convention No. 100 as well as Convention No. 111.

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

39. The Committee notes that governments continue to appreciate the possibility of having recourse to consultations in their own

countries with a representative of the Director-General in order to seek solutions to problems related to standards. In 1979, such direct contacts missions, missions following on earlier direct contacts, or short information missions were held in the following countries: Angola, Colombia, Costa Rica, Guatemala, Honduras, Jordan, Kenya, Mauritania, Nicaragua, Peru, Romania and Venezuela. Missions of a similar kind were also carried out in certain countries in respect of which cases were pending before the Governing Body Committee on Freedom of Association. Lastly, direct contacts took place in January 1980 in Ethiopia.

40. The direct contacts in Angola (September 1979) were held to study problems relating to the meeting of this country's obligations under the Constitution (submission of reports, submission to competent authorities) and the drawing up of the Labour Bill, taking into account the provisions of international labour standards.

41. The direct contacts in Ethiopia (January 1980) dealt essentially with the application of the ratified Convention No. 87.

42. The direct contacts in Jordan (April 1979) related to the application of a certain number of Conventions, the drawing up of the reports due under articles 19 and 22 of the Constitution, and submission to the competent authorities.

43. The direct contacts in Mauritania (October 1979) related to submission to the competent authorities and the application of the ratified Conventions Nos. 19, 22, 53, 62, 81, 84, 87, 94, 114, 118 and 122.

44. Direct contacts or short missions took place in Honduras and Kenya to study the possibility of further ratifications (November and December 1979). Short missions were also carried out in Colombia, Costa Rica, Guatemala, Nicaragua, Peru and Venezuela to consider questions relating to the submission of reports or the application of Conventions, which had already been the subject of earlier direct contacts. Discussions with the competent authorities on the situation of the country in respect of international labour standards also took place in Romania.

45. The Committee has been informed of the request by the Governments of the countries of the Andean Group for direct contacts in 1980 following on those carried out in 1976 with a view to harmonising their labour and social security legislations on the basis of 25 Conventions of the ILO, the most important of which relate to human rights.

46. The Committee also notes that the two regional conferences held by the ILO in 1979 stressed the importance of recourse to the direct contacts procedure and recommended its use, either in a general way relating to international labour standards or in the specific field of freedom of association and trade union rights.

47. The Committee also notes the appointment of three regional advisers on international labour standards, whose main duty in 1980 will be to assist the governments of French-speaking Africa, Latin America, the Caribbean, Asia and the Pacific to meet their constitutional obligations in this field.

48. The Committee was interested to learn that an important function of these regional advisers would be to assist the staff of ILO external offices and technical co-operation experts on all aspects of standards having a bearing on their work, with a view to ensuring that relevant ILO standards are taken fully into account in ILO action in the region.

49. More generally, the Committee wishes to express its support for the action undertaken by the Office to ensure an effective co-ordination between operational and standard-setting activities. It notes that this action comprises, inter alia, the briefing of technical co-operation experts on standards of relevance to their projects as well as the examination by the International Labour Standards Department of final reports on technical co-operation projects to which ILO standards are relevant. Having been informed, however, also of the practical difficulties encountered in ensuring that in all cases the briefings provided are sufficiently detailed and thorough, the Committee expresses the hope that ways and means will be found of overcoming these difficulties.

V. THE ROLE OF EMPLOYEES' AND WORKERS' ORGANISATIONS

50. 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.

51. The Committee has noted with satisfaction again this year that almost all governments have indicated in the reports supplied under article 22 of the Constitution the representative organisations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, they have communicated copies of the reports supplied to the ILO.¹ Almost all governments have also indicated the organisations to which they have communicated copies of the information supplied to the ILO on the submission to the competent authorities of the instruments adopted by the Conference and of the reports sent under article 19 of the Constitution.²

52. In accordance with the established practice, the ILO sent to the representative organisations of employers and workers a letter concerning the various opportunities open to them 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 each government was invited to reply in its reports.

53. The Committee notes that a study course on international labour standards and ILO procedures in the matter was organised by the ILO for workers' delegates and advisers taking part in the Eleventh Conference of American States Members of the ILO just before the Conference.

¹ Direct requests have, however, been addressed by the Committee to Thailand, which has not supplied information on the measures taken to meet this obligation, and to the Comoros and Rwanda because the information supplied was incomplete.

² Direct requests have been addressed by the Committee to the Governments of the following States, which have not indicated whether they have communicated this information: Bahamas, Burma, Colombia.

Observations by employers' and
workers' organisations

54. Fifty-two observations were examined by the Committee this year, of which 14 were communicated by employers' organisations, 37 by workers' organisations and 1 by a national ILO committee, a tripartite body. Most of the observations received relate to the application of ratified Conventions;¹ the rest relate to reports provided by governments under article 19 of the Constitution on the Migration for Employment Convention and Recommendation (Revised), 1949 (No. 97 and No. 86), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151),² and to proposals to ratify Conventions.³ Furthermore, the Committee examined 12 other observations by employers' and workers' organisations, the examination of which had had to be postponed from the last session of the Committee because the observations or replies by governments had arrived shortly before or after the session.

¹ Austria: Austrian Congress of Labour Chambers on Convention No. 81; Colombia: Workers' Union of Colombia on Conventions Nos. 2, 88 and 111; Finland: Finnish Union of Mercantile Marine Officers on Convention No. 53; France: National Federation of Maritime Trade Unions on Convention No. 146; National CPDT Labour and Employment Trade Union on Convention No. 81; Japan: General Council of Trade Unions (SOHYO) on Conventions Nos. 87 and 98; Malta: Confederation of Malta Trade Unions on Conventions Nos. 87 and 98; Mauritius: Mauritius Labour Congress on Conventions Nos. 8 and 94; Netherlands: Confederation of the Netherlands Trade Union Movement on Convention No. 87; Federation of Christian Trade Unions on Conventions Nos. 97 and 122; Norway: Norwegian Employers' Confederation on Convention No. 122; Portugal: Confederation of Portuguese Industry on Convention No. 135; Federation of Sea Trade Unions on Conventions Nos. 68, 74 and 108; Spain: Trade Union Confederation of Workers' Committees on Conventions Nos. 111, 117 and 122; Sweden: Swedish Employers' Confederation on Convention No. 144; Swedish Confederation of Trade Unions (LO) on Conventions Nos. 63 and 139; Swedish Dockers' Union on Convention No. 87; Trinidad and Tobago: Employers' Consultative Association on Conventions Nos. 29 and 105; Communication Workers' Union on Convention No. 29; United Kingdom: Trade Unions Congress on Convention No. 100.

Observations have been received from the World Federation of Trade Unions on the application of Conventions Nos. 87 and 98 in Greece.

² Australia: Confederation of Australian Industry; Belgium: Confederation of Christian Trade Unions; Finland: Finnish Employers' Confederation, Finnish Commercial Employers' Confederation, Central Organisation of Finnish Trade Unions; Italy: Confederation of Industry, Confederation of Agriculture, Confederation of Commerce, Intersind, Association of State Petro-chemical Undertakings (ASAP), Unitary Trade Union Federation (CGIL-CISL-UIL); Netherlands: National Council of Employers' Associations for Labour Questions, Federation of Christian Trade Unions; Sweden: Swedish ILO Committee.

³ Colombia: the Colombia Workers' Union (UTC) has proposed the ratification of Conventions Nos. 97, 118, 135, 144 and 148; France: the French Democratic Confederation of Labour (CPDT) has proposed the ratification of Convention No. 150; Uruguay: the General Confederation of Labour has proposed the ratification of Convention No. 153.

55. More than half the observations received this year were sent direct to the ILO, which transmitted them to the Government concerned for comments in accordance with the established practice. In the other cases, the governments sent the observations with their reports, sometimes adding their own comments, or else they consulted the employers' and workers' organisations during the preparation of their reports and took the observations into account in the final draft. The comments of the Committee on the cases in which the observations received raised a question affecting the application of ratified Conventions will be found in the second part of this report.

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

57. The Committee noted that most of the occupational organisations were continuing their efforts to obtain and present concrete facts on the practical application of ratified Conventions. The questions dealt with in their observations related to a wider range of Conventions than in earlier years: wages, employment, labour inspection, protection of the right to organise, discrimination in respect of employment and occupation and maritime labour.

58. Lastly, the Committee noted the continuing progress since its last session in the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Twenty countries have now ratified the Convention and 37 others are considering the possibility of doing so or intend to do so in the near future.

59. The Committee was interested to examine this year the first reports received so far on the application of this Convention, from Cyprus, Norway, Sweden and the United Kingdom non-metropolitan territory of Hong Kong, and to take cognisance of the procedures through which consultations concerning international labour standards are undertaken in these countries as well as of the subjects covered by the consultations. It has also noted that reports will be requested in 1981 under article 19 of the ILO Constitution from all States Members on the application of this Convention and the supplementary Recommendation, so that it will be called on, at its session in 1982, to make a general survey on the basis of these reports of the progress made by governments towards the implementation of these important instruments.

VI. REPORTS ON RATIFIED CONVENTIONS

(Articles 22 and 35 of the Constitution)

Supply of reports

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

¹ ILO: Summary of reports on ratified Conventions, Report III (Part I), International Labour Conference, 66th Session, Geneva, 1980.

61. In accordance with the procedure for detailed reporting that has been in force since 1977, detailed reports from all ratifying States, covering the period ended 30 June 1979, were due to be examined this year in respect of 37 Conventions.¹ In addition, detailed reports were also requested from certain governments on other Conventions, in accordance with the criteria for more frequent reporting approved by the Governing Body and set out in paragraph 38 of the Committee's 1977 report.

Reports requested and received

62. A total of 1,591 detailed reports were requested from governments on the application of ratified Conventions in States Members (article 22 of the Constitution). At the end of the present session of the Committee, 1,270 of these reports have been received by the Office. This figure corresponds to 79.8 per cent of the reports requested, compared with 75.7 per cent last year. The Committee welcomes this return to a fuller response to the request for reports on ratified Conventions, which again reaches the levels recorded in earlier years. It must, however, record its regret that, as is pointed out in paragraph 71 below, many of the reports received were incomplete and did not enable it to reach a conclusion as to the application of the Conventions concerned. A table showing the reports received and those which are overdue, classified by country and by Convention, is to be found in Part Two (section I, Appendix I). Another table (section I, Appendix II) shows, for each year since 1933 in which the Committee has met, the number and percentage of reports which were received by the prescribed date, by the date of the meeting of the Committee and by the date of the session of the International Labour Conference.

63. In addition, 457 reports were requested on Conventions which have been declared applicable with or without modification to non-metropolitan territories (articles 22 and 35 of the Constitution). Of these, 331 reports, or 72.4 per cent, had been received by the end of the Committee's session. This is considerably higher than the proportion of reports received in the last two years, and the Committee hopes that the governments concerned will continue to make every effort to supply the reports requested on non-metropolitan territories. A list of the reports received and those which are overdue, classified by territory and by Convention, may be found in the appendix to section II of Part Two of this report.

64. Apart from the above-mentioned reports, 20 governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review (Bahamas, Belgium, Canada, Cyprus, Egypt, Ethiopia, Federal Republic of Germany, Iceland, India, Ireland, Mongolia, Netherlands, New Zealand, Norway, Poland, Sierra Leone, Suriname, Switzerland, Tanzania and United Kingdom).

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

¹ Conventions Nos. 5, 10, 13, 16, 19, 27, 28, 29, 32, 33, 34, 48, 53, 59, 60, 62, 63, 69, 73, 74, 81, 85, 96, 100, 105, 113, 118, 123, 125, 129, 134, 135, 136, 138, 139, 141, and 142.

Compliance with reporting obligations

66. Most of the governments from which reports were due on the application of ratified Conventions in States Members have supplied all or most of the reports requested. However, 19 governments have not complied with their obligation to supply reports on ratified Conventions. Thus, none of the reports due this year have been received from the following countries: Benin, Central African Republic, Congo, Jordan, Democratic Kampuchea, Morocco, Togo, Trinidad and Tobago, Upper Volta, Venezuela and Yemen. No reports have been received for the last two years from Afghanistan, El Salvador, Guinea-Bissau, Lebanon or the Libyan Arab Jamahiriya, or for the last three years from Guinea.

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

68. The Committee urges the governments of these countries and also those which have sent only some of the reports due to make every effort to supply the reports requested on ratified Conventions. Where no reports have been sent for a number of years, it seems likely that some particular problem of an administrative or technical nature is preventing the government concerned from fulfilling its constitutional obligations, and it may be that in cases of this kind assistance from the Office would enable the government to overcome its difficulties. The Committee has noted earlier in its report that, following a direct contacts mission, the Government of Angola, which had experienced difficulties of this kind, was able in 1979 to send the reports due. It would seem desirable for the Office and the governments concerned to explore the possibility of further missions to provide this sort of assistance, which it will be possible to intensify following the appointment of regional advisers on standards.

Supply of first reports

69. A total of 113 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 1977: Jamaica (Convention No. 122); Libyan Arab Jamahiriya (Conventions Nos. 102, 103, 121, 128 and 130); or since 1978: Guinea (Conventions Nos. 139 and 140); Haiti (Convention No. 111); Lebanon (Conventions Nos. 1, 15, 17 and 19); Liberia (Conventions Nos. 22, 23 and 92). 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

70. Governments are requested to reply in their reports to the observations and direct requests of the Committee, and the majority of governments provided the replies requested. In accordance with the established practice, the International Labour Office wrote to all governments which failed to do so requesting them to supply the necessary information. Of the 17 governments contacted in this way, only 3 have sent the information requested.

71. 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 16 governments - the same figure as last year - have thus failed to reply to most or all of the observations and direct requests in relation to Conventions on which reports were requested this year, with a total of 121 cases,¹ compared with 127 last year and 138 the year before. In cases of failure to reply, the Committee has to repeat the observations or requests that it made earlier on the Conventions in question. Furthermore, in a considerable number of cases, the replies of the governments are too brief or too incomplete to enable the Committee to do otherwise than repeat its earlier comments.

72. The failure of governments to supply the reports requested or to reply in full to the Committee's comments delays the work of both the Committee of Experts and the Conference Committee. The Committee must therefore once again urge upon governments the special importance of ensuring that the reports requested are in fact communicated and that they reply in full to the Committee's comments.

Late reports

73. The Committee has noted that once again the great majority of reports reached the ILO after 15 October, the date for which they were requested (see Part Two, section I, Appendix II). The communication of reports in due time is essential if the Committee is to be able to examine them with the necessary degree of care, and it has been compelled to defer to its next session the examination of certain reports which arrived after the due date, since their study could not be completed within the time available. Similarly, at its present session, it has had to examine a number of reports deferred from 1979.

Examination of reports

74. 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.

¹ Afghanistan (Conventions Nos. 13, 95, 100, 105 and 111); Bahamas (Convention No. 98); Benin (Conventions Nos. 13, 33 and 105); Bolivia (Conventions Nos. 5, 26, 78, 81, 89 and 107); Central African Republic (Conventions Nos. 18, 19, 29, 33, 41, 62, 67, 81, 87, 88, 94, 95, 105, 117, 118 and 119); Chad (Conventions Nos. 13, 29, 52, 81, 87, 98, 100 and 105); Congo (Conventions Nos. 13 and 29); Ghana (Conventions Nos. 29, 30, 87, 94, 98, 100, 111, 115 and 117); Guinea (Conventions Nos. 5, 10, 13, 16, 29, 33, 45, 62, 81, 90, 94, 99, 105, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121 and 122); Lebanon (Conventions Nos. 14, 52 and 81); Libyan Arab Jamahiriya (Conventions Nos. 3, 29, 52, 53, 81, 95, 98, 100, 105, 118 and 122); Malawi (Conventions Nos. 81 and 129); Morocco (Conventions Nos. 29, 30, 81, 94, 106 and 136); Suriname (Conventions Nos. 62, 81, 105, 118 and 135); Trinidad and Tobago (Conventions Nos. 29, 125); Upper Volta (Conventions Nos. 13, 19, 81, 129 and 135); Venezuela (Convention No. 81).

Observations and direct requests

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

76. As previously, the Committee has indicated by footnotes those cases in which, because of the nature of the problems met in the application of the Conventions concerned, it seemed appropriate to ask the governments to supply a detailed report earlier than would otherwise have been the case. Within the system of spacing out reports over a four-year period applicable to most Conventions, such earlier reports have been requested after an interval of either one or two years, according to the circumstances. In some instances, the Committee has also requested the government to supply full particulars to the Conference at its next session in June 1980.

77. The Committee's observations are set out in Part Two (sections I and II) of the present report, together with a list, under each Convention, of any direct requests. An index of all observations and direct requests - classified by country - will be found at the beginning of this report.

Practical application

78. As in previous years, the Committee has been concerned to assess, on the basis of the information available, the extent to which the national legislation giving effect to ratified Conventions is applied in practice. A number of questions designed to elicit information on this point are included in the report forms approved by the Governing Body for the Conventions, and the governments' replies to these questions constitute an appreciable although uneven source of information on practical application available to the Committee. The Committee has also taken into account other authoritative sources of information. These consist in the annual reports of labour inspection services, statistical yearbooks published by States or by the ILO, observations of employers' and workers' organisations, compilations of judicial or administrative decisions, reports on direct contacts, reports of technical co-operation projects and missions, and other official publications such as manuals, studies and economic and social development plans.

79. This year, nearly 32 per cent of the reports supplied on Conventions for which information on practical application is specifically requested contained such data.

80. This proportion is lower than the percentage reached last year, which was 41 per cent, and represents the lowest figure since 1968. The Committee is inevitably concerned by this reduction in the amount of information received, in the absence of which it is unable to form a clear idea of the extent to which ratified Conventions are effectively applied. It therefore appeals to governments to make every effort to include the information requested in their future reports. Direct requests on this matter have been addressed to certain countries which have not replied to the questions in the report forms on practical application.

81. A number of countries, on the other hand, have supplied information of this kind in more than half their reports: Australia, Austria, Belgium, Canada, Cyprus, Finland, France, Federal Republic of Germany, Greece, Guyana, India, Ireland, Israel, Jamaica, Japan, Jordan, Kuwait, Luxembourg, Malaysia, Mali, Mauritius, Nepal, Netherlands, New Zealand, Panama, Portugal, Saudi Arabia, Singapore, Sri Lanka, Sweden, Switzerland, United Kingdom, Zaire.

82. The Committee has also noted with interest the judicial and administrative decisions on questions of principle relating to the application of ratified Conventions to which certain countries referred in their reports. Twenty reports contained information of this kind, and threw additional light on the problem which has arisen in these cases in giving practical effect to the terms of the Conventions concerned.

Cases of progress

83. 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. Details concerning the countries in question are to be found in Part Two of this report, and cover 73 instances in which measures of this kind have been taken, concerning 45 States and 9 non-metropolitan territories. The full list is as follows:

| <u>Country</u> | <u>Conventions Nos.</u> |
|--------------------|-------------------------|
| Algeria | 95 |
| Australia | 123 |
| Bahamas | 22, 42 |
| Belgium | 100, 113 |
| Bulgaria | 29 |
| Burma | 63 |
| Canada | 100 |
| Colombia | 62 |
| Dominican Republic | 105 |
| Finland | 105 |
| France | 19 |
| Gabon | 3, 81, 105 |
| Greece | 105 |
| Honduras | 87 |
| Hungary | 6, 29 |
| India | 29, 100 |
| Iraq | 1, 29, 136 |
| Ireland | 100, 122 |
| Israel | 100 |
| Italy | 81, 100 |
| Japan | 121 |
| Jordan | 118 |
| Kuwait | 1, 119 |
| Madagascar | 81, 111 |
| Mauritania | 81 |
| Mauritius | 105 |
| Mexico | 105 |
| Mongolia | 59 |
| Netherlands | 81, 105 |
| Nigeria | 105 |

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|------------------|-------------|
| Norway | 100, 118 |
| Pakistan | 29, 96, 105 |
| Panama | 42 |
| Papua New Guinea | 22, 29 |
| Paraguay | 115 |
| Philippines | 53, 77 |
| Portugal | 100 |
| Spain | 63 |
| Sudan | 81 |
| Sweden | 16, 73 |
| Turkey | 96 |
| Uganda | 81 |
| United Kingdom | 8 |
| Uruguay | 96 |
| Yugoslavia | 23 |

Non-metropolitan territories

France:

Overseas Departments:

| | |
|--|----|
| (Guadeloupe, Guyana, Martinique, Réunion) | 19 |
| New Caledonia | 19 |

United Kingdom:

| | |
|-----------------------------|-----|
| Belize | 17 |
| Bermuda | 105 |
| Falkland Islands (Malvinas) | 32 |
| Hong Kong | 17 |

84. Thus the total number of cases in which the Committee has been led to express its satisfaction with the progress achieved following comments made by it has now risen to over 1,300 since the Committee began listing them in its reports in 1964. In addition, there have been numerous cases in which the Committee has taken note with interest of a variety of measures being taken, also following its comments, with a view to ensuring a fuller application of ratified Conventions. These different measures provide an 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.

85. These various cases do not, however, as the Committee regularly points out, exhaust the instances in which Conventions and Recommendations have a measurable influence on the law and practice of member States. For instance, the Committee again noted a number of cases this year in which it emerged from the report that new legislative or other measures were adopted shortly before or after ratification: Colombia (Convention No. 136), Greece (Convention No. 100 - adoption of a general collective agreement and new constitutional provisions), Japan (Convention No. 139), Mexico (Convention No. 140), New Zealand (Convention No. 134 - introduction of a reporting system for occupational accidents aboard vessels), Norway (Convention No. 139), Sweden (Convention No. 144 - change in the terms of reference of the ILO Committee); non-metropolitan territory: United Kingdom (Hong Kong) (Convention No. 144).

VII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS TO THE
COMPETENT AUTHORITIES

(Article 19 of the Constitution)

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

- (a) information on the steps taken to submit to the competent authorities within the time limit of 12 or 18 months, as provided in the Constitution, the following instruments, adopted at the 64th (1978) Session of the Conference: the Labour Administration Convention and Recommendation, 1978 (No. 150 and No. 158); the Labour Relations (Public Service) Convention and Recommendation, 1978 (No. 151 and No. 159);
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from its 31st (1948) to its 63rd (1977) Sessions to the competent authorities (Conventions Nos. 87 to 149 and Recommendations Nos. 83 to 157);
- (c) replies to observations and direct requests made by the Committee in 1979.

64th Session

87. The Committee has noted with interest that the governments of the following 52 member States have indicated that they have submitted to the authorities considered to be competent by them the instruments adopted by the Conference at its 64th Session: Angola, Argentina, Australia, Bahrain, Bangladesh, Belgium, Benin, Bulgaria, United Republic of Cameroon, Chile, Colombia, Congo, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Gabon, German Democratic Republic, Guatemala, Haiti, Honduras, Hungary, Iraq, Israel, Ivory Coast, Japan, Kuwait, Luxembourg, Madagascar, Morocco, Nepal, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Swaziland, Sweden, Turkey, Uganda, Ukrainian SSR, USSR, United Kingdom, Upper Volta and Uruguay. Another member State (Nicaragua) has submitted some of these instruments.

31st to 63rd Sessions

88. 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: Central African Republic (instruments adopted at the 49th, 50th, 52nd, 60th, 61st and 63rd Sessions), Colombia (instruments adopted at the 52nd and from the 58th to the 63rd Sessions), Guyana (instruments adopted from the 54th to the 62nd Sessions), Haiti (numerous instruments adopted from the 32nd to the 53rd Sessions), Jordan (numerous instruments adopted from

¹ ILO: Summary of information on the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference, Report III (Part 3), International Labour Conference, 66th Session, Geneva, 1980.

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the 39th to the 63rd Sessions), Peru (numerous instruments adopted from the 44th to the 63rd Sessions), Swaziland (instruments adopted from the 60th to the 63rd Sessions), Uruguay (numerous instruments adopted from the 54th to the 63rd Sessions), Yemen (numerous instruments adopted from the 50th to the 63rd Sessions).

89. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member, as it emerges from the information supplied by the governments, with regard to the discharge of the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. Appendix II shows the over-all position in this respect for the instruments adopted from the 31st to the 64th Sessions of the Conference.

Comments by the Committee and replies from governments

90. In section III of Part Two of this report, the Committee makes individual observations on the points which it considers should be brought to the special attention of governments. Requests with a view to obtaining supplementary information on other points have also been addressed directly to a number of countries, which are listed at the end of that section.

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

92. The Committee wishes to recall the importance of the communication by governments of the information and documents called for in points II and III of the questionnaire in the Memorandum adopted by the Governing Body. Some countries do not communicate the information and documents in question. The Committee trusts that all the governments concerned will endeavour to take suitable measures to comply with the Memorandum on submission to the competent authorities.

Special problems

93. The position in several countries is still a matter of concern to the Committee. It thus notes with regret that, in the following cases in particular, no information has been supplied showing that the Conventions and Recommendations adopted by the Conference during at least the last seven sessions under consideration (58th to 64th) have in fact been submitted to the competent authorities: Brazil, Chad, Ethiopia, Lao Republic, Lebanon, Liberia, Malawi, Malaysia, Malta, Mauritania and Tanzania.

Revision of the Memorandum adopted by the Governing Body

94. The Committee has noted that, following a suggestion made by the Conference Committee in 1974, the Governing Body at its 212th Session (March 1980) adopted a revised Memorandum, in order to take account of the developments that have occurred since the adoption of the former Memorandum in 1954. As stated in it, this Memorandum is designed both to assist governments in discharging their obligations under the Constitution in this field and to facilitate the transmission

by governments of the information requested along uniform lines. The Committee hopes that, as indicated in the Memorandum, governments will take into account, as far as possible and in the interests of the implementation of Conventions and Recommendations, the points raised in the Memorandum in question and provide the information requested in it.

VIII. REPORTS ON UNRATIFIED CONVENTIONS AND
RECOMMENDATIONS

(Article 19 of the Constitution)

95. In accordance with the decision taken by the Governing Body, governments were requested to supply reports under article 19, paragraphs 5 and 7, of the ILO Constitution on the Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised), 1949 (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Convention, 1975 (No. 151). These are instruments on a subject whose perennial importance makes it a field of traditional concern to the International Labour Organisation.

96. Of a total of 503 reports requested, only 296 have been received.¹ While this represents 58.8 per cent of those requested, a proportion comparable to that of last year, the Committee regrets that it is lower than that of recent years, which was over 70 per cent, when the instruments concerned deal with a subject as important as migrant workers.

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

98. The Committee can only urge governments once again to provide the reports requested, so that its general surveys can be as comprehensive as possible.

99. Part Three of this report (Volume B) contains the Committee's general survey of the questions covered by the Conventions. This survey, in accordance with the practice followed in previous years, has been prepared on the basis of a preliminary examination by a working party comprising five members of the Committee, appointed by it.

100. Information on the examination by the Committee of the series of four-yearly reports supplied by governments under article 19 of the Constitution on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), appears in paragraphs 32 to 38 above.

*
* *

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

¹ ILO: Migrant workers: summary of reports on Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151, Report III (Part 2), International Labour Conference, 66th Session, Geneva, 1980.

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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, 26 March 1980.

(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)

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

A. GENERAL OBSERVATIONS

Afghanistan

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

Albania

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

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

Angola

The Committee takes note of the direct contacts that were held in October 1979 between the competent national services and a representative of the Director-General of the ILO on the performance of the obligations under the Constitution of the ILO concerning international labour standards. It notes with interest that on this occasion the representative of the Director-General made comments on the Labour Bill in the light of international labour standards. It trusts that the Government will not fail to take account of these comments in preparing the definitive text of this Bill.

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.

Central African Republic

The Committee regrets to note that the reports due have not been received. It trusts that the Government will not fail in future to provide reports on the application of the Conventions that have been ratified.

The Committee took note in 1979 of the direct contacts that had been held in December 1978 between the competent national services and a representative of the Director-General of the ILO covering, among other things, Conventions Nos. 18, 29, 33, 41, 52, 62, 81, 87, 105 and 119, on the application of which it had made comments.

The Committee noted at that time that, following these direct contacts, draft decrees had been drawn up respecting the application of the above-mentioned Conventions.

The Committee trusts that the early adoption of the drafts in question will bring the national legislation into conformity with the provisions of the Conventions concerned. It requests the Government to provide information on any measure taken to this end.¹

Chad

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

Congo

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

Costa Rica

In its previous general observation, the Committee pointed out that the draft decrees on the application of Conventions Nos. 92, 94, 95, 113, 114, 120 and 127 that had been drawn up as a first result of the direct contacts held in November 1977 between the competent national services and a representative of the Director-General of the ILO had not yet been adopted and, at the same time, expressed its hope that they would soon be adopted so that the national legislation should be brought into conformity with the provisions of the Conventions in question.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

The Committee now notes that, in December 1979, the Minister of Labour and Social Security informed the representative of the Director-General that the draft decrees in question might be approved very shortly and it therefore requests the Government to report any measure taken to this end.¹

El Salvador

The Committee notes with regret that, for the second 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.

Guatemala

In its previous general observation, the Committee pointed out that the draft Decree on the application of Conventions, Nos. 30, 95, 96, 113 and 114, and also the Bill respecting Conventions Nos. 87 and 98, which were drawn up as a first result of the direct contacts held in November 1975 between the competent national services and a representative of the Director-General of the ILO, had not yet been adopted and at the same time it expressed its hope that they would be adopted shortly so that national legislation would be brought into conformity with the provisions of the Conventions in question.

The Committee now notes that in December 1979 the Minister of Labour and Social Welfare informed the representative of the Director-General that the drafts in question might be approved shortly, and it therefore requests the Government to report any measure that may be taken to this end.¹

Guinea

The Committee notes with regret that, for the third year in succession, the reports due including two first reports (Conventions Nos. 139 and 140 on which reports have been due for two years) have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions, and to reply in detail to the comments of the Committee.

Guinea-Bissau

The Committee notes with regret that, for the second 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.

Jordan

The Committee notes with regret that the reports due for the period 1978-79 have not been received. It recalls that, following

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

direct contacts between a representative of the Director-General of the ILO and the competent national services in April 1979, the Government supplied the reports due for the period 1977-78 in May 1979. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Democratic Kampuchea

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

Leo Republic

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

Lebanon

The Committee notes with regret that, for the second year in succession, the reports due including four first reports (Conventions Nos. 1, 15, 17 and 19 on which reports have been due for two years) have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Lesotho

The Committee notes with regret that the reports due have not been received. It recalls once again that in accordance with article 1, paragraph 5, of the ILO Constitution, States have a continuing obligation even after withdrawal from the Organisation, to apply ratified Conventions for the period provided for therein and to report on them. It trusts that the Government will not fail in future to supply the reports due.

Libyan Arab Jamahiriya

The Committee notes with regret that, for the second year in succession, the reports due including five first reports (Conventions Nos. 102, 103, 121, 128 and 130 on which reports have been due for three years) have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Mauritania

The Committee takes note of the direct contacts that were held in October 1979 between the competent national services and a representative of the Director-General of the ILO concerning Conventions Nos. 19, 22, 53, 62, 81, 84, 87, 94, 114, 118 and 122, on the application of which it has made comments, and the submission to the competent authorities of the instruments adopted by the International Labour Conference.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

The Committee notes with interest that, following these direct contacts, draft texts have been drawn up with a view to bringing the legislation into conformity with the provisions of Conventions Nos. 22, 62, 81, 87 and 94. It also notes that, in accordance with the provisions of article 19 of the Constitution of the ILO, the necessary measures have been taken to submit to the competent authorities a number of instruments that have been adopted by the International Labour Conference since its 47th Session. The Committee trusts that the drafts will be approved in the near future and requests the Government to provide information on any measure taken to this end and to provide the information and documents called for in the Memorandum of the Governing Body in respect of the instruments submitted to the competent authorities. It also requests the Government to provide reports on the application of the Conventions in question for the period ending 30 June 1980.

Morocco

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.

Panama

In its previous general observation, the Committee pointed out that the draft Decrees on the application of Conventions Nos. 13, 27, 30, 42, 52, 77, 78, 105, 112, 113, 119, 123 and 127, which had been drawn up as a first result of the direct contacts held in November 1977 between the competent national services and a representative of the Director-General of the ILO, had not yet been adopted and it expressed its hope at the same time that they would shortly be adopted so that the national legislation could be brought into conformity with the provisions of the Conventions in question.

The Committee observes that, although the draft on Convention No. 42 has now been adopted, those relating to the other 12 Conventions have not been adopted yet. The Committee therefore requests the Government to provide information on the measures it intends to take in this connection.¹

Paraguay

In its previous general observation, the Committee pointed out that the draft Decrees on the application of Conventions Nos. 1, 29, 105 and 115, which had been drawn up as a first result of the direct contacts held in July 1977 between the competent national services and a representative of the Director-General of the ILO, had not yet been adopted and at the same time it expressed its hope that they would be adopted shortly so that the national legislation could be brought into conformity with the provisions of the Conventions in question.

The Committee observes that, although a Resolution on Convention No. 115 has been adopted, the drafts relating to the other three Conventions have not been adopted yet. The Committee therefore asks

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

the Government to provide information on the measures it intends to take in this respect.¹

Poland

The Committee notes with interest the intention of the Government to invite a representative of the Director-General in the very near future to go to Poland for a joint review of the Conventions that have been ratified in order to find solutions to the difficulties met in applying some of them.

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).

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.

Trinidad and Tobago

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 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.

Venezuela

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.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

Yemen

The Committee regrets to note that the reports due have not been received. Furthermore, for the first reports due on Conventions Nos. 14, 29, 81, 87, 98, 100, 131, 132 and 135, the Government confines itself to stating that these Conventions are applied and that they are considered to be complementary to the national legislation, which remains unchanged.

The Committee wishes to point out that even in cases in which ratified Conventions are incorporated, ipso jure, in the national legal system by the mere fact of ratification and thus acquire force of law, it has always considered it desirable, in order to avoid any legal uncertainty that measures should be taken to adapt the national legislation explicitly to the terms of the Conventions. Furthermore, incorporation in domestic law is likely to have no effect at the national level in cases in which the provisions of ratified Conventions require special measures for their application.

In order to be in a position to assess the degree to which the provisions of the above-mentioned Conventions are applied, the Committee would be grateful if the Government would provide complete information concerning legislation, regulations, administrative measures and practical application in accordance with the indications given in the report form drawn up for each Convention by the Governing Body of the International Labour Office.

Zaire

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.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Burma, United Republic of Cameroon, Chile, Colombia, Comoros, Costa Rica, Cuba, Ecuador, Egypt, Gabon, German Democratic Republic, Honduras, Hungary, Iran, Madagascar, Malawi, Malta, Mauritania, Nicaragua, Niger, Paraguay, Peru, Romania, Rwanda, Spain, Thailand, Turkey, Yemen, Yugoslavia, Zambia.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919Egypt (ratification: 1960)

The Committee notes with interest from the Government's report that as soon as the new labour law is adopted, Ministerial Order No. 62 of 1960, which was the subject of its earlier observations, will be amended so as to narrow the exceptions to the normal hours of work to those activities which are intermittent by nature, in accordance with the requirements laid down in Article 6 of the Convention.

The Committee hopes that the measures announced by the Government will be taken shortly.

Iraq (ratification: 1965)

With reference to its earlier comments, the Committee notes with satisfaction that section 68(b) of the Labour Code (as amended by Act No. 110 of 1978) limits the number of hours of overtime authorised. It also notes, from the report of the Government, that Act No. 157 of 1973 respecting the carrying out of important development projects does not affect the application of the provisions of the Labour Code concerning hours of work.

Article 6, paragraph 1, of the Convention. The provision contained in section 67(b) (5) of the Labour Code (as amended by Act No. 110 of 1978), under which normal hours of work may be extended if the work is required for development purposes or with a view to increasing production, is not in conformity with the Convention, which authorises temporary exceptions only to enable establishments to deal with exceptional cases of pressure of work. The Committee therefore requests the Government to take the necessary measures to bring the legislation into conformity with the Convention on this point.

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

Kuwait (ratification: 1961)

The Committee notes the information supplied by the Government in 1979 to the Conference Committee and that contained in its last report and notes with satisfaction the statement by the Government that sections 14 and 15 of the Labour Law (Public Sector), which concern overtime and have been referred to in earlier comments, have been repealed by Legislative Decree No. 15 of 1975 respecting the public service. It requests the Government to be good enough to supply the text of the Legislative Decree with the next report.

Articles 1 and 2 of the Convention. The Government states its agreement with the observations of the Committee on the need to extend the scope of the Labour Law (Private Sector) to temporary workers employed for a period of not more than six months and to workers in undertakings employing fewer than five workers. With regard to temporary workers, it states that the necessary measures will be taken when the above-mentioned Act is revised. The Committee hopes that similar measures will be taken in respect of small undertakings. Furthermore, it recalls that since 1964 the Government has been repeating its intention to amend the Labour Law so as to bring it into conformity with the Convention on the above-mentioned points.

Article 6, paragraphs 1(b) and 2. The Committee notes from the report that in applying sections 34 and 35 of the Labour Law (Private Sector), which concern overtime, the Government takes account of the need to consult the employers' and workers' organisations, but must stress once more that in order to meet the requirements of this provision of the Convention overtime should be authorised only as a temporary exception (to deal with exceptional cases of pressure of work), the number of hours being fixed in each case.

The Committee again expresses the hope that the necessary measures to give full effect to the above-mentioned provisions of the Convention will be taken very shortly.

Nicaragua (ratification: 1934)

The Committee notes that its comments will be taken into consideration by the Committee for the Reform of the Labour Code that is to be set up shortly. It hopes that suitable provisions will thus be adopted in the near future to determine the circumstances in which overtime may be worked and to fix the maximum number of additional hours authorised (Article 6, paragraphs 1(b) and 2, of Convention No. 1 and Article 7, paragraphs 2(c), (d) and 3, of Convention No. 30). The Committee wishes to recall that a draft amendment to section 56 of the Labour Code was prepared for this purpose during the direct contacts that took place in 1975 between the competent national services and a representative of the Director-General of the ILO.

Peru (ratification: 1945)

The Committee notes that section 44 of the Political Constitution of 1979 restricts normal hours of work to 8 in a day and 48 in a week and provides for additional pay for work performed outside normal hours of work.

With reference to the discussion that took place in the Conference Committee in 1979 and to its earlier observations and the repeated statements by the Government of its intention to give effect to all the provisions of the Convention, the Committee points out that suitable measures must be taken to give effect to Articles 3 to 6 of the Convention, which govern exceptions to normal hours of work.¹

Syrian Arab Republic (ratification: 1960)

Article 6 of the Convention. The Committee notes that the Bill taking account of its earlier comments, to which the Government has been referring for many years, has not yet been adopted. It trusts that this Bill will be adopted very shortly and that it will amend section 117 of the Labour Code so that, except in the case of intermittent work laid down by the Convention, the presence of the worker at his workplace will not be required outside authorised hours of work.

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

Convention No. 2: Unemployment, 1919

Nicaragua (ratification: 1934)

The Committee notes with interest that the Government is considering the formation of a National Employment Board of a permanent

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

nature, the chairmanship being filled by the Ministry of Labour and the members consisting of representatives of public bodies that deal with employment questions and representatives of the workers and the employers. It hopes that the formation of this Board - and that of the local agencies in accordance with Article 2, paragraph 1, of the Convention - will take place in the near future and requests the Government to indicate any progress made in this connection.

Uruguay (ratification: 1933)

The Committee notes the information provided by the Government, both at the 65th Session of the Conference and in its report, in reply to earlier comments.

The Committee notes the action taken against unemployment in certain specific sectors (refrigerating industry, hydro-electric complex of Salto Grande), but observes that there is still no national system of free public employment agencies within the meaning of Article 2 of the Convention. The Government indicates in this connection that Act No. 14312 of 10 December 1974 to set up the National Employment Service (SENADEMP) is being revised. The Committee hopes that the revision will be completed soon and that it will give full effect to the Convention and requests the Government to indicate any progress made.

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

Convention No. 3: Maternity Protection, 1919

Colombia (ratification: 1933)

With reference to its earlier comments, the Committee has taken note of the Government's reply to the Conference Committee in June 1979 and of the information supplied in the detailed report received in December 1979. The Committee notes the explanations given in that report with regard to the application of Article 4 of the Convention (prohibition of dismissal) to women workers in the public sector, who are governed by Decree No. 3135 of 1968 and its implementing Regulations No. 1848 of 1969.

As regards the other points raised in the above-mentioned comments, the Committee notes that, under Act No. 30 of 17 May 1979, the Colombian National Congress has entrusted the President of the Republic with the task of carrying out a revision of the Labour Code and that a special commission has been set up to prepare a draft revised Code. The Committee trusts that this revision will take into account the following points, to which attention has been drawn for many years, and that the necessary amendments will at the same time be introduced into the other legislative provisions which have a bearing on the application of the Convention.

1. Article 3(a), (b) and (c) of the Convention. (a) Section 236 of the Labour Code, and section 33 of Decree No. 1848 of 1969,

which make provision for 8 weeks of maternity leave, are incompatible with the above-mentioned provisions of the Convention, which provide for 12 weeks of maternity leave, of which 6 must be taken after confinement. The above-mentioned legislative provisions, moreover, are not in conformity with the Convention in that they make no provision for an extension of pre-natal leave in the event of a mistake by the doctor or midwife in estimating the date of confinement.

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

The Committee hopes that the revision of the Labour Code and the necessary amendments to the above-mentioned provisions will be promulgated in the very near future, so as to ensure compliance with these provisions of the Convention. The Committee requests the Government to indicate in its next report the progress made in this direction.

2. The Committee had also asked the Government to indicate under what conditions women workers - covered by the Convention - who are not yet covered by the maternity and sickness insurance system or who do not fulfil the requirements in respect of the qualifying period set forth in section 17 of Decree No. 770 of 1975 for entitlement to medical care and to maternity benefits, enjoy - in the event of maternity - the protection laid down in the Convention. In its last report, the Government indicates that maternity benefits are paid by the Social Insurance Institute at places where the Institute has an office and elsewhere by the employer. The Committee wishes to stress in this connection that, under the terms of the Convention, maternity benefits must be provided either out of public funds or by means of a system of insurance and must in no case be paid by the employer. It should also be recalled that this Convention does not lay down the rate of the benefit, but simply specifies that they must be sufficient for the full and healthy maintenance of the mother and her child.

The Committee accordingly expresses the hope that the sickness and maternity insurance system will in the near future be applied in practice throughout Colombian territory and that meanwhile women workers who are not covered by this system or who do not fulfil the above-mentioned qualifying period will be able to benefit from medical care in hospitals or public dispensaries, as well as from some form of financial help, for example in the framework of a public assistance scheme.

Gabon (ratification: 1961)

The Committee has taken note of the new Labour Code (Act No. 5/78 of 1 June 1978) and notes with satisfaction that section 119 of this Code establishes the unqualified right of women workers to postnatal leave in accordance with the relevant provisions of the Convention. The Committee has also noted the other improvements introduced by the Code to the maternity protection scheme.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes with regret that, for the second consecutive year, the report of the Government has not been received and that it has therefore no information on the action that may have been taken on its previous comments.

The Committee notes, however, the statement made by the Government to the Conference Committee in June 1979 to the effect that the drafts of a new Labour Code and of revised social security legislation have been submitted to the People's Assembly for adoption and that their wording takes into account the comments in question.

The Committee trusts that this new legislation will be adopted in the very near future and that it will ensure compliance with Article 3(a), (b) and (c) of the Convention (in conjunction also with Article 4) in the following manner: (i) by abolishing the qualifying period for entitlement to maternity leave; (ii) by increasing the period of leave from the present 50 days to 12 weeks, of which 6 weeks must be taken after confinement, and (iii) by permitting an extension of pre-natal leave and maternity benefit where confinement occurs after the presumed date and also should illness result from pregnancy or confinement, as required by the above-mentioned provisions of the Convention.

As regards women workers who do not fulfil the qualifying period (laid down in the Social Insurance Act of 1957, as amended) for entitlement to medical and cash benefits for maternity, the Committee reiterates its request to the Government to indicate the manner in which these women workers benefit from the protection provided for by the Convention, unless it is proposed, in the new legislation now under consideration, to abolish these conditions for the case of maternity, as the Government had given the impression in its earlier reports.

The Committee hopes that the Government will not fail to supply a report for consideration at its next session, and to reply to the above comments, indicating also the progress made in bringing the new social security system into operation and in extending it to new categories of workers throughout the territory of the country.¹

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

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

Bolivia (ratification: 1954)

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. The Committee recalls to its previous comments in which it pointed out that section 58 of the General Labour Act, 1942, authorising the employment of children under 14 years as apprentices was contrary to the provisions of this Article of the Convention. It notes from the Government's report that the draft Labour Code contains a provision prohibiting labour by children under 15 years. The Committee hopes that steps will shortly be taken to bring the law into line with the Convention either by adoption of the new Labour Code or by amending the existing law pending the Code's promulgation.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

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

Guinea (ratification: 1959)

The Committee notes with regret that for the third consecutive year 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.

Singapore (ratification: 1965)

In its earlier comments, the Committee has noted that the Employment (Amendment) Act, 1975, and section 4 of the Employment of Children and Young Persons Regulations, 1976, authorise both the employment of children aged 12 years or over in industrial undertakings, with the written permission of the Commissioner for Labour, and their engagement as apprentices, in violation of the Convention. It notes again from the information contained in the last report that in practice no permission has been, or will be, given by the Commissioner of Labour under these provisions and that the Ministry of Labour is going to revise the legislation concerning the employment of children in industrial undertakings. The Committee hopes that the revision will take place shortly and bring the legislation into conformity with the Convention. The Government is requested to indicate any progress occurring.

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

Convention No. 6: Night Work of Young Persons (Industry), 1919

Hungary (ratification: 1928)

Further to its previous observations, the Committee notes with satisfaction that Legislative Decree No. 29 of 1979 has repealed, with effect from 1 January 1982, section 38, paragraph 4 of the Labour Code, which authorised exceptions to the prohibition of night work for

persons more than 16 years of age, contrary to the provisions of the Convention.

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

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

Iraq (ratification: 1966)

The Committee has for some years been calling attention to the need to adopt legislation prescribing (a) in accordance with Article 2 of the Convention, that all persons employed on board a vessel shall be entitled in case of loss or foundering of the vessel to an indemnity fixed at the same rate as the wages payable under their contract for the whole period of actual unemployment, provided that the total indemnity payable to each seaman may be limited to two months' wages, and (b) in accordance with Article 3 of the Convention, that seamen shall have the same remedies for recovering such indemnity as they have for recovering arrears of wages.

In its last report, and in the information supplied to the Conference Committee in 1979, the Government refers only to seamen employed in vessels of the public sector, indicating that they have the status of officials and that their situation is therefore not affected by loss or foundering of the vessel.

The Committee takes note of this information but is obliged again to take up the question, once more expressing the hope that the necessary legislative steps will be taken in the near future to ensure the full application of the Convention to all seamen and not only to those employed on board vessels coming under the public sector.

Nicaragua (ratification: 1934)

Article 2 of the Convention. The Committee has for some years been pointing out that the provisions of the Labour Code (section 155 read together with sections 116 and 117) are not enough to ensure the full application of the Convention, which provides that the unemployment indemnity due to each seaman (whatever the form of their contract) in case of loss or foundering of the ship - which must be equal to the wages - shall be paid for the days during which the seaman remains in fact unemployed but that it may be limited to two months' wages if the period is longer.

As a result of the direct contacts that took place in 1975 between the competent national authorities and a representative of the Director-General of the ILO, a draft text to amend section 155 of the Labour Code was worked out, but the amendment was not inserted in Decree No. 633 of 1977 to revise the Labour Code.

The Committee notes, however, from the Government report received in January 1980, that a committee will be set up shortly to revise the Labour Code and that it will take due account of the above comments. The Committee trusts that the Labour Code will be revised in the very near future and that full effect will be given to the Convention on the point in question.

Seychelles (ratification: 1978)

Article 2 of the Convention. The Committee has pointed out that the restriction provided for by section 157 of the United Kingdom Merchant Shipping Act of 1894, read with section 1 of the United Kingdom Merchant Shipping (International Labour Conventions) Act 1925, which remains applicable to the Seychelles, is not in conformity with the above-mentioned provision of the Convention, since it subordinates the right to unemployment indemnity, in case of loss or foundering of the ship, to the condition that the seaman shall have exerted himself to the utmost to save the ship, cargo and stores.

In its last report, received in August 1979, the Government states that measures are being taken with a view to bringing the national legislation into conformity with the Convention in this respect. The Committee hopes that these measures will be taken in the near future and that information on this question will be given in the next report.

United Kingdom (ratification: 1926)

With reference to its earlier comments, the Committee takes note of the information supplied by the Government to the Conference Committee in 1979.

It notes with satisfaction that the Merchant Shipping Act 1979 amends section 15 of the 1970 Act so as (a) to extend the scope of the Act to captains and pilots, in accordance with Article 1 of the Convention and (b) in accordance with Article 2 of the Convention, to abolish the bar to a claim to unemployment indemnity applicable to a seaman who has not made reasonable efforts to save the ship and the persons and property carried in it.

The Committee notes, however, that the entry into force of this legislation has not yet been fixed and that different dates may be appointed for different sections of the Act. The Committee hopes that the section giving effect to the Convention will come into force in the very near future and that measures will also be taken to amend the corresponding legislation of certain non-metropolitan territories as the governments of these territories have stated.

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In addition, a request regarding certain points is being addressed directly to Papua New Guinea.

Convention No. 9: Placing of Seamen, 1920Mexico (ratification: 1939)

The Committee notes from the report of the Government that a public placement service for workers coming under the local employment service is being set up in each federated state and that it will also be responsible for seamen. The Committee hopes that the offices of this service will soon be set up so as to be able to deal with the placing of seamen, and requests the Government in its next report to indicate any progress made in this connection.

The Committee also notes that the Federal Labour Act, as amended by the Decree of 27 April 1978, provides for tripartite advisory bodies to assist the Co-ordinations Unit for Employment and Training in a general way both at the federal level (section 539-A) and at the level of the states (section 539-B). It wishes to point out that, where a local employment service has to deal with the placing of seamen, it must be assisted by a committee consisting of an equal number of representatives of shipowners and seamen, in accordance with Article 5 of the Convention.

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

Costa Rica (ratification: 1963)

See under Convention No. 87.

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In addition, requests regarding certain points are being addressed directly to the following States: Burundi, Lesotho, Papua New Guinea.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

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

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

Afghanistan (ratification: 1959)

The Committee notes that the Government's report has not been received. It notes however the statement by a government representative to the Conference Committee at the 65th Session that it was hoped that a new Labour Code would be adopted in a few months which would be in conformity with all ratified Conventions. The Committee recalls further 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 which was to ensure legislative conformity with Convention No. 13. It accordingly hopes that the draft text will be taken into consideration in the preparation of the legislation now being envisaged and that appropriate provisions will soon be adopted to ensure the full application of the Convention.

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 that a Bill concerning the prevention of occupational hazards and a draft decree concerning general provisions on occupational safety and health, which will meet the requirements of the Convention, have been submitted to an interministerial committee for consideration. The Committee hopes that the draft legislation will be adopted in the near future and that it will give effect to the Convention.¹

Chad (ratification: 1960)

The Committee notes that, in the absence of a report, for the fifth consecutive year, 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 that for the third consecutive year 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.

Upper Volta (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:

In its previous direct requests the Committee asked the Government to supply statistics on cases of morbidity and mortality caused by lead poisoning (Article 7 of the Convention).

¹ The Government is asked to report in detail for the period ending 30 June 1980.

The Government's latest report states that these statistics are not available for lack of resources. The Committee once again requests the Government to indicate the measures taken or contemplated to ensure that the statistics with regard to lead poisoning among working painters are obtained, as to morbidity, by notification and certification of all cases of lead poisoning and, as to mortality, by a method approved by the official statistical authority of the country.

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In addition, requests regarding certain points are being addressed directly to the following States: Benin, Chile, Congo, Greece, Mexico, Nicaragua, Panama.

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

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

Requests regarding certain points are being addressed directly to the following States: Lebanon, Swaziland.

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

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

Guinea (ratification: 1966)

The Committee notes with regret that for three consecutive years the Government's report has not been received. It must therefore repeat its previous observations which read as follows.

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 recalls the concern expressed in this respect by the Conference Committee in 1978 and trusts that the Government will be in a position to provide the text of the order adopted with its next report.

Sweden (ratification: 1925)

Further to its previous comments, the Committee notes with satisfaction that following the adoption of Act (1979 : 37) amending the Ordinance (1961 : 87) concerning the Registration and Signing on and Signing off of Seamen, sections 43 and 44 thereof now give full effect to Article 3 of the Convention (annual medical examination and certificate for seamen under 18 years of age).

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

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

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

Burma (ratification: 1956)

Compensation scheme based on employers' liability

In reply to the earlier observations of the Committee, the Government states once again in its report that the new Workmen's Compensation Act is still under examination but that the observations of the Committee will be taken into account with a view to bringing the national legislation into conformity with the provisions of Articles 5 and 10 of the Convention. The Committee trusts that this new Act will be adopted shortly and that it will provide:

(a) In accordance with Article 5 of the Convention, that the compensation payable to the injured workman or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments and as a lump sum only exceptionally and if the competent authority is satisfied that it will be properly utilised.

(b) In accordance with Article 10, that no maximum sum shall be fixed for the supply and normal renewal of such artificial limbs and surgical appliances as are recognised to be necessary.

Nicaragua (ratification: 1934)

In its earlier comments, the Committee has called attention to certain discrepancies between the Labour Code and the provisions of the Convention, since this Code remains for the time being the only legislation applicable to all workers covered by the Convention; in effect, the social security legislation, which contains standards corresponding to those of the Convention, covers throughout the national territory only workers of the public sector, banks and certain undertakings that have voluntarily come under insurance, as stated by the Government in its last report, received in February 1980.

The discrepancies referred to relate to the following points:

- (a) the Labour Code provides in general for the payment of compensation in the form of a lump sum (sometimes payable in five annual instalments), whereas Article 5 of the Convention provides that compensation shall be paid in the form of periodical payments throughout life and that it may be wholly or partially paid in a lump sum only in exceptional cases, when the competent authority is satisfied that it will be properly utilised;
- (b) the Labour Code contains no provision concerning the payment of additional compensation where the incapacity is of such a nature that the injured workman must have the constant help of another person, which is contrary to Article 7 of the Convention;

- (c) it does not provide for the supply and renewal of artificial limbs and surgical appliances, in accordance with Article 10 of the Convention;
- (d) it does not provide injured workmen or their dependants with adequate guarantees against the possible insolvency of the employer or insurer, as does Article 11 of the Convention.

The Committee, however, notes with interest the intention of the Government to extend the social security scheme gradually to all classes of workers throughout the national territory. It also notes that consideration is being given to an early revision of the Labour Code that will take into account the above comments. The Committee hopes that amendments to the Labour Code will be introduced in the near future, pending the coverage of all workers throughout the country by the social security scheme, and particularly the occupational risks branch.

Philippines (ratification: 1960)

The Committee has taken note of the information supplied by the Government to the 65th Session of the Conference (June 1979) and in its report for 1977-79 in reply to the earlier observations.

Article 5 of the Convention. (a) Benefits in the case of total permanent incapacity or death: (i) The Committee takes note of the statement by the Government that the guaranteed period of five years provided for by sections 192(b) and 194(a) of the Labour Code, as amended by Presidential Decree No. 1368, does not constitute a limitation of the period of payment of benefits, but means that the initial level of the benefit will be maintained without reduction during this period, whatever the subsequent status of the beneficiary.

(ii) The Committee also notes the explanation supplied by the Government respecting cases in which survivors' benefits are paid in the form of a lump sum. It hopes that measures may be taken to ensure that, in practice, the competent authority is satisfied that the sums paid will be utilised properly in accordance with the Convention.

(b) Benefits in the case of permanent partial incapacity. In reply to the earlier comments of the Committee, the Government mentions the difficulties in practical organisation that would be involved in the application of the principle - provided for by the Convention - that periodical payments must be paid for life also in the case of permanent partial incapacity. Although the Committee is aware of these difficulties, it hopes that the Government will be able to reconsider the question, taking account in particular of the suggestions made in the Technical Memorandum of the ILO that was communicated to it during the direct contacts of 1977.

Article 7. With reference to the proposal to include in the Labour Code a provision corresponding to that of the Convention concerning the granting of additional compensation to injured workmen whose incapacity calls for the constant assistance of another person, the Committee notes that the Technical Committee responsible for the question (ECC) has decided to postpone consideration of it until an actuarial study of the consequences of this proposal on the State Insurance Fund has been completed. The Committee hopes that the national legislation can be brought into full conformity with the Convention on this point as well and requests the Government to report any progress made in the matter.

Sierra Leone (ratification: 1961)

Article 5 of the Convention. For a number of years the Committee has been calling attention to the fact that sections 6, 7 and 8 of the Workmen's Compensation Ordinance 1954, as amended in 1969, are not in conformity with the above-mentioned provision of the Convention, since, although they provide for periodical payments equivalent in practice to the amount of the wage, they restrict payment to a certain number of months, whereas the Convention, although it does not fix a rate for periodical payments, which may be only a percentage of the wage, provides for their payment throughout the whole contingency, that is to say: for the victim for life, and for his dependants until the possible remarriage of the widow and until the children have reached a certain age, to be fixed by national laws, and are capable of earning their living.

In reply to the above comments of the Committee, the Government again states that it is not losing sight of the question and that the points raised in these comments are at present being examined by a newly constituted Joint Consultative Committee, which enables the employers' and workers' representatives to discuss the matter and make recommendations to the Government. It adds that the Committee will be duly informed of the outcome.

The Committee notes these statements and trusts that the amendment to the national legislation in conformity with the Convention will take place in the near future.

Article 11. The Committee has also asked the Government to state whether there have in practice been cases in which the provisions of sections 27 and 28 of the Workmen's Compensation Ordinance have proved to be inadequate to ensure in all circumstances, as provided by the Convention, the payment of compensation to the victims of occupational accidents or their dependants in the event of the insolvency of the employer or insurer, since there is no compulsory insurance scheme in Sierra Leone.

The Government provides no information on this matter in its report, but states that it has been placed before the above-mentioned committee.

The Committee hopes that the necessary measures may be taken in this connection, for example by making it compulsory to insure with a company approved by the Government or by setting up a special guarantee fund maintained by contributions from the parties concerned, and that in the meantime the Government will provide the information requested.

Tanzania (ratification: 1962)

With reference to its earlier comments, the Committee has examined the information supplied by the Government in its reports of 8 June and 13 July 1979.

Article 5 of the Convention. The Committee observes that no amendment has been made to the national legislation. It has noted the statement made by the Government to the Conference Committee in 1977 to the effect that it is its intention "vigorously to encourage any measures that could be expedited on any development in respect of Article 5 of the Convention". In these circumstances, the Committee can only repeat its previous comments and point out again that this Article of the Convention provides that compensation payable where permanent incapacity or death results from the injury shall be paid in the form of periodical payments and authorises payment in the form of

a lump sum only in certain cases and if the person concerned satisfies the competent authority that the lump sum will be properly utilised.

The Committee hopes that steps will be taken in the very near future so that workmen's compensation shall, as a rule, be paid in the form of periodical payments that shall be payable to the victims for life (the Convention does not lay down the amount of this payment, which may be only a percentage of the wage) and to the dependants (in the event of the victim's death) until the widow shall remarry and until the children reach a certain age or become capable of earning their living.

Articles 9 and 10. The Government states that the maximum amounts laid down by national laws for medical assistance and the furnishing of such artificial limbs and surgical appliances as may be necessary have been increased and that consideration is being given to the possibility of abolishing the limits altogether.

The Committee notes this statement with interest and hopes that the limits may be abolished in the near future in order to ensure the full application of the Convention on this point as well, since it makes no provision for limiting the amounts of the benefits in question.

Uganda (ratification: 1963)

Article 5 of the Convention. The Committee has noted with interest from the report received in December 1979 that the Government is proposing to comply with the Committee's previous comments within the framework of the introduction of an employment injury social insurance scheme and that it is at present studying the question with a view to introducing that scheme as speedily as possible.

The Committee hopes that this scheme will be set up in the very near future and that it will take into account the various points raised over a period of years now with regard to the application of the above-mentioned provision of the Convention. The Committee further hopes that, meanwhile, the necessary amendments can also be made to the Workmen's Compensation Act so that the permanent incapacity benefit and the death benefit can be paid in the form of periodical payments (the rate for which, unspecified by the Convention, can correspond to a reasonable percentage of the salary only) made throughout the duration of the contingency (i.e. for the victim, for life, and for the dependants until the death or the remarriage, if any, of the surviving spouse, or until the dependent child reaches a prescribed age or becomes capable of self-support). For, as the Committee has stressed in the past, Article 5 of the Convention, which lays down the principle of payment of benefits in the form of periodical payments, does not lay down any time limitations as to those payments and only permits conversion into a lump sum payment as an exception and only if the competent authority is satisfied that it will be properly utilised.

The Committee requests the Government to indicate in its next report the progress made regarding the introduction of the insurance scheme in question and all other measures that may be taken to give full effect to the Convention on the points referred to above.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Burma, Egypt.

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

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

The Committee notes with regret that the Government's report has not been received and that as a result it has no information on the progress made in adopting the draft decree prepared during the direct contacts which took place in December 1978 between the competent national bodies and a representative of the Director-General. This draft was designed to bring the national legislation (Ordinance No. 59/60 of 20 April 1959) into full conformity with Article 2 of the Convention in the following respects:

(a) by eliminating the limitative character of the list of diseases caused by lead poisoning and mercury poisoning which appears in the schedule of occupational diseases appended to the above-mentioned ordinance. (One possible solution would be to add in the left-hand column of this schedule, under headings 1 and 2 respectively, and following the various pathological conditions which are listed under those headings, the words "any other pathological condition liable to be caused by such poisoning");

(b) by adding the operations of loading and unloading or transport of merchandise in general to the list of processes liable to cause anthrax infection which is set out in the right-hand column under heading 18 of the schedule to the ordinance.

The Committee trusts that the draft amendment to the national legislation will be adopted in the very near future and will ensure the full application of the Convention.

See also General Observations.

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

Convention No. 19: Equality of Treatment (Accident Compensation), 1925France (ratification: 1928)

Article 1 of the Convention. The Committee notes with satisfaction the ministerial decision of 12 September 1979 which entitles all foreigners residing in France who are covered by an international agreement concerning legislation on occupational accidents to benefit from the provisions of section 7 of Act No. 64-1330 of 26 December 1964 (concerning the revaluation of and, where necessary, the assumption of responsibility for various benefits due under legislation applicable in Algeria before 1 July 1962 for occupational accidents which took place in Algeria before this date).

Mauritania (ratification: 1963)

Article 1, paragraph 2, of the Convention. The Committee takes note of the reply of the Government to its previous comments showing

that all periodical payments, without exception, for industrial accidents come under Act No. 76-039 of 3 February 1967 respecting social security.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Brazil, Central African Republic, France, Hungary, Iran, Lesotho, Madagascar, Portugal, Sudan, Syrian Arab Republic, Upper Volta.

Information supplied by Fiji, Gabon, Senegal and Yugoslavia in answer to a direct request has been noted by the Committee.

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

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

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

Bahamas (ratification: 1976)

Following its earlier comments concerning Articles 5, 8, 10 and 14 of the Convention, the Committee notes with satisfaction the adoption of the Merchant Shipping Act, 1976, whose provisions give effect to the above-mentioned Articles.

France (ratification: 1928)

Article 9, paragraph 1, of the Convention. With reference to its earlier comments concerning sections 95 and 96 of the Maritime Labour Code, the Committee takes note of the reply communicated by the Government to the Conference Committee in 1979. This shows that, although the master, outside metropolitan ports, can dismiss a seaman with the authorisation of the maritime authority, a seaman can terminate his agreement for an indefinite period only in national ports. This restriction on the right of the seaman to terminate his agreement is in conflict with the present provision of the Convention, under which the seaman may terminate an agreement for an indefinite period in any port where the vessel loads or unloads, provided that the period of notice as specified in the agreement is observed.

The Committee therefore hopes that suitable amendments will be introduced to the above-mentioned provisions of the Maritime Labour Code in order to give effect to the Convention on this point.

Iraq (ratification: 1966)

With reference to its earlier comments, the Committee notes the information supplied by the Government to the Conference Committee in 1979 to the effect that certain provisions of the Convention are applied either by the Labour Code or by Act No. 201 of 1975 in respect of service in the civil marine. These texts, however, as the

Government states, do not give effect, or give effect only partially, to important provisions of the Convention such as Articles 3, 5, 6, 8 and 9. In these circumstances, the Committee trusts that the Draft Maritime Code that the Government has been mentioning since 1970 will soon be adopted and that it will give effect to all the provisions of the Convention.

Mauritania (ratification: 1963)

See General Observation.

Papua New Guinea (ratification: 1976)

The Committee refers to its previous comments relating to provisions in force before the country's independence. It notes with satisfaction that the Merchant Shipping (Crewmen) Regulations, 1976 (section 9 and schedule 1, Form C.2) ensure better application of Article 9 (notice to be given in writing) and Article 11 (circumstances for a seaman's immediate discharge) of the Convention.

Peru (ratification: 1962)

Article 9, paragraph 1, of the Convention. The Committee refers to its earlier comments on the discrepancy between section 673 of the Harbourmasters' Offices and National Merchant Marine Regulations, under which an agreement for an indefinite period can be terminated only in the port of embarkation, and the present provision of the Convention, under which this type of contract may be terminated in any port where the vessel loads or unloads. The Committee refers to its general observation of 1979 on the direct contacts held in 1978 between a representative of the Director-General of the ILO and the Standing Committee for the Study and Evaluation of ILO Maritime Conventions. It again expresses the hope that the Standing Committee will shortly be able to submit the text intended to give effect to this provision of the Convention and to other provisions mentioned in a direct request and that these texts will be supplied with the next report.¹

Somalia (ratification: 1960)

With reference to its earlier observations, the Committee notes from the report of the Government that the revision of the Maritime Code was to be completed in 1979. It hopes that the new Maritime Code will be adopted shortly and will give effect to the Convention on the following points raised in its earlier comments:

Article 6, paragraph 3(10)(c), of the Convention. An agreement made for an indefinite period must indicate the conditions entitling either party to rescind it and also the period of notice.

Article 9, paragraphs 1 and 2. It must be possible for either of the parties to terminate an agreement for an indefinite period in any port where the vessel loads or unloads, provided that the notice has been observed. This notice must be given in writing.

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Articles 4, 8, 13 and 14. The national law contains no provisions giving effect to these Articles of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Ghana, Papua New Guinea, Peru.

Convention No. 23: Repatriation of Seamen, 1926

Philippines (ratification: 1960)

Article 3, paragraph 4, of the Convention. In its previous observation, the Committee expressed the hope that measures might be taken in order - (i) to guarantee, in accordance with this provision of the Convention, the right to repatriation of any foreign seaman "engaged in a port of his own country" and (ii) to establish the conditions in which a foreign seaman "engaged in a country other than his own" may enjoy this right.

The Committee notes from the reply of the Government to the Conference Committee in 1979 that with respect to a foreign seaman engaged in a country other than his own, the law of the country where the contract was executed will be applied, as provided for in section 17 of the Civil Code.

The information supplied, however, does not clarify the case of the foreign seaman "engaged in a port of his own country". The Committee would like to point out that he is entitled to repatriation under the Convention. It hopes that the Government in its next report will indicate the measures taken to this end.

Yugoslavia (ratification: 1929)

Referring to its previous comments concerning the application of Article 3, paragraph 4, of the Convention, the Committee notes with satisfaction that under Act No. 595 of 1977 respecting maritime and inland navigation, the repatriation of foreign members of the crew of a Yugoslav vessel is no longer conditional on reciprocity.

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

Colombia (ratification: 1933)

With reference to its earlier comments concerning Article 2 of the Convention, the Committee takes note with interest the statement by the Government that compulsory sickness insurance has been extended to cover all departments of the country. The Committee asks the Government to supply with its next report the texts providing for this extension.

Haiti (ratification: 1955)

The Committee takes note of the statements made by the Government in its report for the period 1978-79 and to the Conference Committee during its 65th (1979) Session, to the effect that the national

sickness insurance scheme provided for by the Act of 28 August 1967 and the Decree of 18 February 1975 has not yet begun to operate. The Committee again expresses the hope that the Government will take steps to bring this scheme gradually into force, as it stated during the direct contacts that took place in November 1976, and requests it to report any progress made in this connection.

The Committee again addresses a direct request to the Government on Article 2, paragraphs 1, 2 and 4, of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Colombia, Haiti, Nicaragua.

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

Colombia (ratification: 1933)

See under Convention No. 24.

Haiti (ratification: 1955)

See under Convention No. 24.

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

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

Bolivia (ratification: 1954)

The Committee notes with regret that the Government's report has not been received. In its previous observation the Committee has noted the setting up of the National Wages Council, whose administrative units were studying all questions within their competence, in accordance with the administrative rules of the Ministry of Labour. The Committee trusts that the Government will soon be in a position to indicate the minimum wage rates fixed and the approximate number of workers covered (Article 5 of the Convention).¹

Rwanda (ratification: 1962)

Article 4, paragraph 1, of the Convention. With reference to its previous observations, the Committee takes due note of the statement by -----

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

the Government in its report to the effect that express sanctions for failure to observe the minimum wages laid down by virtue of section 85 of the Labour Code will be established during the next amendment of the labour legislation. It hopes that suitable measures will be taken shortly.

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

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

Panama (ratification: 1970)

In its previous comments the Committee noted that there is no legislation applying the provisions of the Convention. The Committee recalls that as a result of the direct contacts that took place in November 1977 a draft decree was prepared to give effect to the Convention. It also recalls that in its earlier reports the Government announced its intention to adopt provisions for the application of the Convention.

As in its latest report the Government does not mention either the draft decree or other proposed provisions, the Committee reiterates its hope that appropriate rules will be laid down in the near future to ensure the application of the Convention.¹

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

Information supplied by Papua New Guinea and Poland in answer to a direct request has been noted by the Committee.

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

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

Convention No. 29: Forced Labour, 1930

Bulgaria (ratification: 1932)

Further to its earlier comments, the Committee notes with satisfaction that Order No. 79 of 20 December 1977, of the Council of -----

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Ministers, has repealed the provisions of sections 15 and 16, paragraph 2, of Order No. 136 of 1974, which provided that administrative and penal measures could be taken against young persons not employed on socially useful work when the educational measures applicable to them proved to be ineffective. It also notes from the Government's report that the obligation of young persons between 15 and 30 years of age to take up within 15 days an employment assigned to them under section 4 of Order No. 136 of 1974 has now become a moral obligation. The Committee hopes that on the next occasion when the legislation is amended the absence of a legal obligation to take up an employment assigned will be reflected in the relevant texts.

Byelorussian SSR (ratification: 1956)

The Committee notes the information supplied by the Government in answer to its previous comments.

1. Legislation concerning persons "leading a parasitic way of life". In 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 204¹ 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 Byelorussian SSR adopted in 1978, 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 citizen and that the avoidance of socially useful work is quite incompatible with the principles of the socialist society. 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. 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 Republic (ratification: 1960)

The Committee refers to its general observation. It also 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 hopes steps will be taken in the near future to repeal the provisions in question.¹

Chad (ratification: 1960)

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

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

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

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

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

and 4 of Decree No. 9 of 6 January 1962 on the recruitment of the army, providing for the assignment of conscripts to work of general interest.

Colombia (ratification: 1969)

With reference to its earlier comments concerning the work of prisoners who come under the Prison Code, as amended, the Committee notes the explanations furnished by a government representative to the Conference Committee in June 1979, and confirmed in the last report, to the effect that the purpose of this work is rehabilitation of the prisoners who thus obtain reductions of their sentences and are paid like free workers.

However, in order to ensure the observance of Article 2, paragraph 2(c), of the Convention, the Committee would ask the Government to give statutory effect to the principle that only convicts may be compelled to perform prison labour; those detained while awaiting trial must be exempted from all obligation to work and be employed only at their own request.

Cuba (ratification: 1953)

With reference to its earlier comments, the Committee notes that clause 14 of the first of the final provisions of the 1979 Penal Code repeals Act No. 1231 of 16 March 1971, which punished with penalties of up to two years' internment in a work centre, involving an obligation to work, those who did not work, remained absent more than 15 days without reason or had been punished with disciplinary sanctions for unjustified absence.

The Committee notes, however, that section 77(e) of this Penal Code describes as a habitual vagrant a man of working age and physically and mentally fit for work who refrains from all occupational activity without justification and without being registered in a public educational establishment or vocational training centre and therefore lives as a social parasite on the work of others. Under section 84 habitual vagrants may be interned in a specialised work establishment or a workshop school or sent to a labour collective for periods of up to four years.

The Committee has indicated in paragraphs 45 to 48 of the General Survey of 1979 on the abolition of forced labour that laws creating an obligation for all citizens who are fit for work to have a gainful activity, enforced by penal sanctions, are incompatible with the Convention and that laws on vagrancy and similar offences that are drafted in terms so general that they may be used as a means of direct or indirect compulsion to work should be amended to bring them into conformity with the narrower conception of vagrancy. The Committee therefore requests the Government to indicate the measures taken or envisaged to redefine vagrancy in narrower terms so that only those disturbing public order who not only habitually abstain from work but also are without any legal means of subsistence may be liable to punishment.

Czechoslovakia (ratification: 1957)

Section 203 of the Penal Code. In its earlier comments, the Committee noted that under section 203 of the Penal Code, as amended, any person who systematically avoids honest work and allows himself to be maintained by somebody else or obtains his means of livelihood in some other improper manner is liable to deprivation of liberty for up to three years. The Committee pointed out that legislative provisions on vagrancy and similar offences drafted in very general terms can be used as a means of direct or indirect compulsion to work and it asked the Government to indicate any measure taken or under consideration in this connection to ensure observance of the Convention.

The Committee notes from the Government's report that the preparatory working papers for the new codification of the Penal Code, the draft of which it will not yet be possible to bring before the Legislative Assembly in 1980, makes provision in the new section 203 for punishing any person who systematically avoids honest work and obtains his means of livelihood in a dubious manner.

The Committee observes that the new wording under consideration omits the reference to allowing oneself to be maintained by somebody else that appears in the text now in force as a way of obtaining one's means of livelihood in an improper manner. However, in the absence of a more precise definition of what is a dubious manner of obtaining means of livelihood, the new wording under consideration also appears to be drafted in very general terms that may serve as a means of compulsion to work.

Inasmuch as the cases really aimed at by this text would be limited to offences such as prostitution, procuring, begging or illegal gambling, the Committee would ask the Government to consider the possibility of making the wording of section 203 of the Penal Code more precise so as to exclude clearly from its scope those who have no gainful activity and live with the freely consented help of their family or friends.

Finland (ratification: 1936)

In its previous comments the Committee had noted the Government's statement that it intended to revise section 25 of the Public Assistance Act. This relates to the transfer of persons in need of institutional care to a workhouse by decision of the Social Board.

The Government has indicated in its last report that the revision of the Social Assistance Act has not yet been completed since it is connected with the reform of the planning and state subsidy system in the field of social and health care. It adds that the working party set up to draw up a proposal on the subject submitted its report to the Ministry of Health and Social Affairs on 14 August 1979. The proposal was communicated to the authorities and organisations concerned for their opinion. It will be submitted by the Council of State to the Parliament.

The Committee notes these indications. It trusts that the Government will in the very near future be able to take the necessary measures to ensure conformity with the Convention.

Gabon (ratification: 1960)

The Committee takes note of the information provided by the Government in its report.

In its earlier observations, the Committee pointed out that Ordinance No. 50-62 of 21 September 1962, which imposes on every citizen over 18 who cannot show that he has an occupation or is registered at an educational establishment the obligation, enforced by penal sanctions, to accept any employment assigned to him by the authorities, was contrary to the Convention. The Government has repeatedly stated in its reports that this Ordinance has never in fact been applied and that its purpose was to encourage young persons to take up work and to keep them from giving themselves over to delinquency and vagrancy.

The Committee notes with interest the statement by the Government in its last report that the 1978 Labour Code repeal the above-mentioned Ordinance. The Committee observes that in its first paragraph section 4 of the Code prohibits all work or service exacted from a person under threat or coercion and that section 261 repeals every provision contrary to the Labour Code.

Since section 261 of the Code does not specifically mention Ordinance No. 50-62 of 21 September 1962, and furthermore, the second paragraph of section 4 of the Code exempts from the prohibition of compulsory labour any work or service exacted under the civic service legislation for the performance of work of general interest, the Committee hopes that on the occasion of other legislative changes measures may be taken to bring the repeal of Ordinance No. 50-62 to the knowledge of the public and that the Government will provide in its next reports information on any action taken to this end.

Guinea (ratification: 1961)

See under Convention No. 105.

Haiti (ratification: 1958)

1. In its earlier comments, the Committee pointed out that the provisions of section 230 of the Penal Code, which empower the public prosecutor to require persons convicted of vagrancy who have already served their sentence to reside in a designated place and to work on state work, are incompatible with Article 2, paragraph 2(c) of the Convention.

The Committee notes the assurances provided by the Government in its last report and confirmed before the Conference in 1978 stating that this section is never applied. In these circumstances, the Committee hopes the Government will repeal it as quickly as possible and thus bring the legislation into conformity with the Convention on this point.

2. Furthermore, the Committee hopes that the Government will introduce into its legislation penalties for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention.

3. The Committee takes due note of the information concerning the employment of prison labour.

Hungary (ratification: 1956)

1. In its previous comments, the Committee referred to the provisions of Act No. 1 of 1968 on contraventions, under which non-judicial authorities could impose penalties involving an obligation to work, contrary to Article 2, paragraph 2(c), of the Convention. It notes with satisfaction that section 126 of Legislative Decree No. 11 of 1979 of the Council of the Presidency of the Republic respecting the application of penalties and procedures repealed section 73 of the Act on contraventions, which conferred such powers on non-judicial authorities.

2. Legislation on idleness. In its earlier comments, the Committee requested the Government to provide information on the application in practice of section 214 of the Penal Code and section 91(1) of the Act on contraventions, under which the "idleness" of persons fit for work who avoid working can be punished with imprisonment. The Government's last report indicates that 386 persons were sentenced to imprisonment during the year 1977 for dangerous vagrancy and repeats the explanations given in the report of 1973-75 on the decision of principle by the Supreme Court according to which there is no "idleness" if the person who does not work has appropriate means of subsistence derived from his earlier useful activity, money saved out of his wages, royalties, inheritances, lottery gains, etc.

Furthermore, the Committee notes with interest the statement by the Government in its last report to the effect that, in connection with the new Penal Code, it is examining the decision of principle of the Supreme Court and the criteria adopted by the Committee of Experts in paragraph 46 of its General Survey on the Abolition of Forced Labour concerning vagrancy and similar offences.

The Committee hopes that the next report will indicate the legislative measures taken or under consideration to ensure that the provisions punishing "idleness" cannot be applied to persons who are simply without an employment and who do not constitute a threat to public peace and order.

India (ratification: 1954)

1. Further to its previous comments the Committee notes with satisfaction that Chapter B of the Bihar Gram Panchayat Accounts Rules, 1949 (regarding assessment of compulsory labour tax) and section 19 A of the Uttar Pradesh Panchayat Raj Act, 1947 (authorising the use of compulsory male labour for works of general public utility for the benefit of the community concerned) were repealed by statutory instruments adopted on 26 March 1977 and 30 December 1978, respectively, and that section 6 of the Andhra Pradesh (Andhra Area) Compulsory Labour Act, 1958, was amended by Act No. 30 of 1976 so as to limit its object and scope to work connected with the repair or proper maintenance of any minor irrigation or drainage work, and to persons owning land served or benefited by such work.

2. In previous comments, the Committee noted that by virtue of the Bonded Labour System (Abolition) Ordinance, promulgated by Presidential Order in October 1975 and passed as an Act in February 1976, which is applicable to the whole of India, the bonded labour system shall stand abolished and every bonded labourer shall stand free and discharged from any obligation to render any bonded labour. The Committee further noted that special enforcement measures are prescribed, as well as penal sanctions, for infringement of this

legislation; it asked the Government to supply information on the records maintained by district vigilance committees under rule 7 of the Bonded Labour System (Abolition) Rules, 1976, to ensure the implementation of the provisions of the Act and Rules, and on the practical application of Chapter VI of the Act, concerning offences and the procedure for trial.

The Committee notes from the Government's reply that the problem of bonded labour exists in nine States, mostly in agriculture, and that according to the information received from the state governments which have reported the incidence of the bonded labour system in their areas, district magistrates were given powers to ensure the proper implementation of the Act and vigilance committees were constituted in most of the districts concerned. It notes with interest that up to 30 June 1979, as reported by nine state governments, 94,056 bonded labourers have been identified and freed, and more than half of them rehabilitated mainly with the provision of public employment or financial assistance; three States have reported court proceedings under Chapter VI of the Act in 1,295 cases, leading to convictions and the imposition of penalties in 360 cases and the release of bonded labourers in 248 further cases.

The Committee also has noted the preliminary report published by the National Labour Institute in early 1979 on the National Survey on the Incidence of Bonded Labour, which estimated that 2,167,000 labourers in eight States so far surveyed and, according to information supplied by the national Ministry of Labour on the basis of the 28th round of the National Sample Survey, 4.2 per cent of the total number of agricultural labourers in the country were bonded; 56 per cent of the bonded labourers interviewed in 1978 had gone into bondage in the course of the three preceding years.

The Committee further notes with interest from the Government's report that, following a recommendation by the Central Statutory Committee on Rural Unorganised Labour, a subcommittee was constituted in 1979 to review the procedures and practices in identifying and freeing bonded labour and to recommend what improvements could be brought about to make them more effective.

The Committee hopes that the Government will soon be able to supply further details on the additional measures taken or envisaged to make the implementation of the Bonded Labour System (Abolition) Act more effective and on any progress made towards the suppression of the practice of debt bondage.

Indonesia (ratification: 1950)

1. In earlier observations the Committee noted that large numbers of persons had been detained for periods of over ten years 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. 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. In 1976 and 1977 the Government undertook to settle the entire matter by the end of 1978 by the trial or release of all remaining detainees.

As regards "B category" detainees, who were not to be brought to trial, the Committee notes from the detailed figures supplied by the

Government to the Conference Committee in 1979 and in its report received in December 1979 that in 1978, 10,005 detainees were released, including 4,000 from the island of Buru, that 5,259 more detainees were released up to 4 September 1979 and that the remaining detainees of this category were to be released before the end of 1979. According to the Government these releases were absolute and unconditional, and resettlement projects established by the Government within the framework of the national transmigration programme could be taken advantage of by the ex-detainees on a voluntary basis. In this connection, the Committee also notes the provisions of Statute No. 3 of 1972, concerning the basic stipulations for transmigration, and Government Regulation No. 42 of 1973, concerning the implementation of transmigration, copies of which were supplied by the Government to the Conference Committee in 1979 and which define transmigrants as citizens who in a voluntary way are transferred or moved from one area to settle in another area determined upon within the territory of the Republic, in the interests of the development of the country, or for other reasons considered necessary by the Government.

As regards "A category" detainees, whom it was proposed to bring to trial, the Committee previously expressed the hope that the Government would 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 those who are acquitted or whose sentences do not involve further detention are permitted to recover their free choice of employment. The Committee notes that no information has yet been supplied regarding the situation of these persons.

The Committee hopes that full information on the measures taken to ensure the observance of the Convention in respect of both A and B category detainees will be supplied.

2. The Committee notes that, according to press reports mentioned in the Conference Committee in 1979, a great number of contract labourers on plantations in North Sumatra and Aceh, including many former C-category detainees, were unable to return home at the expiration of their contracts. Referring to Article 25 of the Convention and to the explanations provided in paragraphs 84 to 86 of its 1979 General Survey on the Abolition of Forced Labour, the Committee would ask the Government to supply information on the measures taken to investigate these allegations and punish any abuses discovered.¹

Iraq (ratification: 1962)

In previous comments, the Committee referred to section 4 of the Civil Defence Law, No. 5 of 1962, under which certain categories of workers were prohibited from leaving their work without written permission from the Civil Defence Authorities. The Committee notes with satisfaction from the Government's report that this provision has been amended so as to limit its scope to the event of the declaration of a state of emergency, and that there are no other legislative provisions under which a state of emergency may be declared than article 1 of Law No. 37, 1961, which refers to various natural calamities. The Committee would ask the Government to continue to supply in future reports information on action taken under section 4 of the Civil Defence Law and on any new legislation under which a state of emergency may be declared.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

Kenya (ratification: 1964)

The Committee notes with interest from the Government's last report that it proposes to introduce amendments to the provisions of the Chief's Authority Act (Cap. 128) which are at variance with provisions of the Convention. It recalls that sections 13 to 18 of the said Act authorise the exaction of labour beyond the scope of the exception relating to minor communal services provided for by Article 2, 2(e) of the Convention. It hopes that the next report will supply information on the action taken to bring these provisions into conformity with the Convention.

Liberia (ratification: 1931)

Following the discussion which took place in the Conference Committee in 1979, the Committee notes the information supplied by the Government in its report on the application of the Convention.

1. Local public works. In its previous observations, the Committee recalled 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.

In its report for the period ending 15 October 1976, the Government stated that the competent government agency was engaged in modifying and updating the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949; in the 1977 report of the Ministry of Local Government, Rural Development and Urban Reconstruction, reference was also made to the need of revising and updating provisions of this text and in a statement to the Conference Committee in 1979 the Government indicated that a national Tripartite Conference convened in December 1978 had included in its report recommendations to the competent authorities to bring the legislation into conformity with the Convention and that a copy of this report would be sent with the Government's report.

The Committee observes that a copy of the report mentioned by the Government has not been communicated. It notes the Government's statement in its latest report that it has discontinued its practice of utilising the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, as the basis of local administration, and in the absence of laws and regulations, has adopted policies which prohibit forced labour with regard to local public works. The Government further indicates that while a draft law on the matter mentioned at the Conference Committee in 1977 has since been rejected as being inconsistent with the Convention, the President recently again established a cabinet committee to draft new legislation to govern local administration which will conform with the Convention and will also clarify the legal situation regarding self-help projects. In addition, the Government states that the draft of the new Labour Law contains express provisions prohibiting forced labour with respect to public works, and that it is the objective of the Government to have this legislation enacted prior to the 66th Session of the ILO General Conference in June, 1980.

The Committee takes note of these indications. Since this matter has been the subject of discussion for a number of years, it hopes that legislation governing local administration and clarifying the legal

situation regarding self-help projects and the execution of other local public works in accordance with the Convention will soon be adopted and that the Government will supply full information on the action taken.

2. Prohibition of forced labour. The Committee notes from the Government's report that effect is to be given to Article 25 of the Convention under Chapter 2 of the draft labour law by the imposition of a penalty in the form of a fine or imprisonment for the illegal exaction of forced labour. Since this point also has been the subject of comments for a number of years, the Committee looks forward to learning of the entry into force of the draft legislation.

3. 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, to ensure 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 detailed information on the measures adopted to ensure adequate labour inspection and enforce the prohibition of forced or compulsory labour particularly in non-concessionary agricultural undertakings as well as in relation to Chiefs.

The Committee notes the Government's reply that labour inspection by the inspectorate of the Ministry of Labour, Youth and Sports did take place at agricultural undertakings, concessionary and non-concessionary, this year and there were no violations relating to forced labour reported, and that the inspectorate has a network which covers all of the territories and counties (political subdivisions) of the Republic and has been furnished adequate transportation. The Government having indicated that copies of the annual reports of the Ministry of Labour, Youth and Sports and of the Ministry of Local Government, Rural Development and Urban Reconstruction for the year 1979 would be forwarded as requested, the Committee hopes that these will soon be available for examination, and that the Government will continue to send copies of the annual reports of these ministries.¹

Madagascar (ratification: 1960)

Imposition of labour on detained persons pending trial. With reference to its earlier comments concerning section 68 of Decree No. 59-121 of 27 October 1959, as amended on 6 March 1963, under which persons held in custody pending trial may be obliged to perform penal labour, the Committee notes that the Government again states in its report that this Decree has not yet been amended, and adds that the imposition of labour on detained persons pending trial is generally limited to their participation in the duties of cleaning and maintaining the premises.

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

Mauritania (ratification: 1961)

Call-up of labour. With reference to its earlier comments concerning Ordinance No. 62-101 of 26 April 1962 and Act No. 70-029 of -----

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

23 January 1970, which confer very wide powers on the authorities to requisition persons outside the cases of emergency and exceptional circumstances admitted by Article 2, paragraph 2(d), of the Convention, the Committee takes note of the assurances provided by the Government in its report, received in June 1978, to the effect that detailed information on the action taken on its comments will shortly be communicated.

The Committee hopes that the provisions that are incompatible with the Convention will be repealed or amended in the near future.

Placing of prison labour at the disposal of private undertakings. Since the last report contains no information on the law and practice in force in respect of the conditions of employment of prison labour, the Committee again asks the Government to communicate the information already requested so that it can assess how far the provisions of Article 2, paragraph 2(c), of the Convention are observed.

Netherlands (ratification: 1933)

Freedom to terminate employment. In previous comments, the Committee referred to section 6 of the Extraordinary (Employment Relations) Decree, 1945, under which employers and employees, with few exceptions, may not terminate employment otherwise than by mutual agreement or with the consent of the district employment office. In its report, the Government indicated that a bill to repeal the requirements imposed by section 6 on employees was still under discussion in Parliament and that a second bill provided for the abolition of penal sanctions in this connection. The Committee notes with interest that the second bill has become law in December 1979; it looks forward to learning of the action taken on the bill to repeal the requirement for a worker to obtain approval for termination of employment.

Pakistan (ratification: 1957)

The Committee has noted the Government's report and the information supplied by the Government to the Conference Committee in 1978.

Direction of labour

1. The Committee notes with satisfaction that, following its previous comments on the Defence of Pakistan Ordinance and the rules made under it which permitted the imposition of compulsory labour, the Defence of Pakistan (Repeal) Ordinance, No. XXXII of 1977, has repealed the Defence of Pakistan Ordinance, 1971.

2. In its previous comments, the Committee also referred to provision made for compulsory direction of labour under the Control of Employment Ordinance, 1965. It notes the indication given by the Government to the Conference in 1978 that section 3 of this Ordinance was amended by Ordinance No. XXXV of 1971 and that the application of the Ordinance was restricted to a period of declared emergency in the country. The Committee observes that, under section 3 of the Ordinance as amended, the Central Government shall, inter alia, be responsible for co-ordinating manpower problems with the object of bringing a national approach to the labour supply policy during an emergency; however, the powers of the Manpower Board under sections 5 and 2(3) to require any person to do any work relating to the production of arms, equipment or supplies and any other work which may be declared

essential work, and to prohibit persons from leaving such work appear to the Committee not to be limited to periods when a state of emergency is declared. Having regard also to the fact that martial law was imposed in 1977, the Committee would ask the Government to continue to supply information on the practical application of these provisions and on any amendment adopted or envisaged to clarify the conditions in which the powers under section 5 of the Ordinance may be used.

3. 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, and have been extended in practice, inter alia, to various printing presses in 1977. Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958, as regards persons in employment under the West Pakistan Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

The Committee has considered that, by prohibiting workers from terminating their employment without the employer's consent, even by notice, the above-mentioned legislation permits the exaction, subject to penal sanctions, of labour for which the persons concerned no longer offer themselves voluntarily, and which accordingly constitutes compulsory labour within the meaning of Article 2, paragraph 1, of the Convention.

The Government stated in its report for the period 1971 to 1973 that the provisions in question would have to be left intact until the state of emergency was lifted in 1974; in its report for 1973 to 1975, the Government indicated that persons in employment under the Federal Government offered themselves for government services with full knowledge of the fact that the application of the above-mentioned laws had become the normal incidence of such service; in its statements to the Conference Committee in 1977 and 1978, the Government indicated that, notwithstanding anything contained in section 3 of the Essential Services (Maintenance) Act, federal and provincial government employees could resign or leave their jobs with three months' notice or less, and that to that extent the Essential Services Act already stood modified since it had to be read with the provisions of other relevant legislation.

The Committee takes due note of these explanations. Having regard to the situation in law and practice described by the Government, the Committee hopes that the Government will see its way to repealing formally the provisions of the Essential Services (Maintenance) Acts which specifically exclude termination of employment by notice.

4. Article 25 of the Convention. With regard to allegations of recourse to coercion by certain labour recruiters, the Conference noted in its previous observations 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. The Committee had asked the Government to supply further details regarding the legal action against the labour recruiters involved. The Committee notes the Government's statement to the Conference Committee in 1978, in which it indicated that a special court was set up in 1967 and that one earth-

work contractor was tried and sentenced to seven years' rigorous imprisonment. The Committee would ask the Government to supply a copy of this court decision as well as information about action taken in the other cases referred to previously.

The Committee previously 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. In its statement to the Conference in 1978, the Government referred in this connection to the Annual Consolidated Report on the working of labour laws in Pakistan during 1973 which contained a special report on contract labour for the year 1976. The Committee notes from this report that, in the year 1976, apart from innumerable other construction projects employing contract labour, there were 40 big construction projects under execution in the country, which were the object of 11 inspections; no case of forced labour was reported.

The Committee would ask the Government to supply information on any further measures taken or envisaged to ensure an adequate system of inspection of earth-work sites and other projects involving contract labour, with a view to guaranteeing the efficient enforcement of the prohibition of forced labour.

Papua New Guinea (ratification: 1976)

Further to its previous comments, the Committee notes with satisfaction from the Government's report that the Native Village Councils Ordinance under which natives could be required to cultivate land, has been repealed.

Paraguay (ratification: 1967)

In its previous observation, the Committee noted that the Government had submitted to the National Congress a Bill to amend section 39 of Act No. 210 of 22 September 1970 on the prison system so as to provide that prison labour shall be compulsory only for convicts and that those sentenced for political offences who have not been involved in acts of violence or inciting to violence shall be exempted from prison labour in conformity with Conventions Nos. 29 and 105.

The Committee takes note of the information supplied by the Government in its last report to the effect that this Bill has not yet been approved but will again be put before the National Congress for consideration during the present session. It hopes that the amendment will be adopted in the near future.

Peru (ratification: 1959)

Article 2, paragraph 2(c), of the Convention. With reference to its earlier comments, the Committee notes the information provided by the Government in its last two reports to the effect that section 35 of Legislative Decree No. 17581 of 15 April 1969 on the execution of penalties establishes paid compulsory labour as a therapy for rehabilitation through vocational educational programmes.

While noting this statement, the Committee recalls that section 132 of the Penal Code imposes an obligation to work not only on convicts but also on detained persons awaiting trial.

It would ask the Government to amend this provision so as to ensure observance of Article 2, paragraph 2(c), of the Convention.

Sierra Leone (ratification: 1961)

In comments made since 1964, the Committee has asked 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 the Government's statement in its last report that the competent authority has been requested to take appropriate action. Having regard to the Government's previous 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 at an early date to bring the law into conformity with the practice as well as the Convention.

Tanzania (ratification: 1962)Tanganyika

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

- Section 52(1), paragraph 45, of the Local Government Ordinance (as amended by Act No. 64 of 1962) and section 121(e) of the Employment Ordinance (as amended by Act No. 82 of 1962) permit the imposition of compulsory cultivation by local authorities. A number of by-laws imposing such obligations have been made by local authorities and approved by the competent minister as recently as 1976;
- Part X of the Employment Ordinance under which forced labour may be exacted for public purposes;
- Section 6 of the Ward Development Committees Act, 1969, which gives Ward Development Committees the power to make orders requiring all adult citizens resident 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 has noted from the information supplied by the Government representative to the 1978 Conference, that amendment of the above-mentioned provisions had been recommended, and drafts would be submitted for enactment. The Committee hopes that the Government will soon be able to indicate progress made on the adoption of these drafts.

Zanzibar

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

It hopes the Government will soon be able to forward full information on the application of the Convention in Zanzibar.

Togo (ratification: 1960)

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

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

Trinidad and Tobago (ratification: 1963)

In its previous observation, the Committee referred to allegations made against the Trinidad and Tobago Telephone Company by the Communication Workers' Union, according to which employees have been compelled to work against their will in the company's efforts to enforce overtime. It notes the Government's statement that overtime work is adequately controlled by collective agreements and is usually at the option of the workers themselves though it is expected that they will honour all reasonable requests for overtime employment.

On the basis of the information so far supplied the issue appears to be a question of the terms of employment which are a matter for determination by the national courts and do not fall within the ambit of the Forced Labour Convention.

Tunisia (ratification: 1962)

1. Exaction of labour for rehabilitation from every person who refuses to work or who abandons the work assigned to him. In its earlier comments, the Committee noted that under section 2(1) of Legislative Decree No. 62-17 of 15 August 1962 any male person who without valid reason refuses to work may be directed to rehabilitation through work. The Committee has also taken note of Act No. 78-22 of 8 March 1978 to establish civic service, under which every Tunisian of between 18 and 30 years of age who cannot show that he has a job or is registered in a school establishment or a vocational training establishment may be assigned for a year or more to economic and social projects or rural or urban development projects, under penalty of being directed to rehabilitation through work in case of refusal or desertion.

In its last report, the Government states that rehabilitation through work is a favour conferred on young delinquents, who receive in the rehabilitation centres vocational training, a basic education and even cultural and artistic education. It adds that the work has not been instituted as a threat but rather with a view to the integration and participation of all categories of young persons - in the particular case delinquents - in the work of national development.

The Committee takes due note of these explanations. It points out, however, that under the provisions in question rehabilitation through work can be imposed not only on young delinquents but also on other persons who refuse to work and on all those unable to show that

they have a job who having been assigned to economic development projects, desert their assignment. As the Committee has indicated in paragraphs 45 to 48 of its General Survey of 1979 on the abolition of forced labour, a general obligation to work and to participate in development work under penalty of being directed to rehabilitation through work is incompatible with Conventions Nos. 29 and 105 on the abolition of forced labour.

The Committee therefore hopes that the Government will reconsider Legislative Decree No. 62-17 with a view to taking appropriate steps to ensure the observance of the Convention. With regard to Act No. 78-22, the Government might wish, since young persons are concerned, to take into consideration the provisions of the Special Youth Schemes Recommendation, No. 136, adopted by the Conference in 1970. Pending the adoption of measures to bring the legislation in question into conformity with the Conventions, the Committee would ask the Government to provide information on the nature and extent of the work carried out by persons assigned to civic service and also on the number of persons assigned to this work.

2. The Committee notes the statements by the Government that the Decree of 17 December 1942, under which convicts in prison could be placed at the disposal of private employers, and the Decrees of 7 August 1936, 29 September 1938 and 28 January 1946, under which workers could be called up contrary to the provisions of Convention No. 29, have never been put into effect and have fallen into disuse. It hopes that on the occasion of other legislative changes measures will be taken to repeal them formally and that the Government in its future reports will supply information on any development in this respect.

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 noted the reference made in this connection by the Government to article 40 of the Constitution of the USSR adopted in 1977, which guarantees citizens the right to work, 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, and to the provisions of the Ukrainian Labour Code, which state 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. The Committee also 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", but turns upon the capacity for work of the persons considered.

The Committee 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 notes that the Government's latest report merely refers to the information previously submitted and, in particular, to the above-mentioned Ordinance No. 13 of 3 September 1976 of the Plenum of the Supreme Court of the USSR.

Referring to the explanations provided in this respect in its observation on the application of the Convention by the USSR, as well as in paragraphs 45 to 48 of its 1979 General Survey on the Abolition of Forced Labour, the Committee again expresses the hope that appropriate measures will be taken regarding section 214 of the Penal Code of the Ukrainian SSR with a view to ensuring observance of the Convention.

2. 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 noted from the Government's report for the period 1975-1977 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 asked 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. In the absence of any information on this matter in the Government's report, the Committee again expresses the hope that copies of the texts requested will be sent at an early date.

USSR (ratification: 1956)

1. Legislation concerning persons "leading a parasitic way of life". In its 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 the Government's statement that neither under this section nor under other provisions of the legislation could refusal to work be prosecuted, and that 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 observed that in Ordinance No. 10 of 28 June 1973 as amended by Ordinance No. 13 of 3 September 1976 of the Plenum of the Supreme Court of the USSR, laying 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, the scope of "persons leading any other parasitic way of life" in section 209 of the Penal Code of RSFSR was not defined by reference to the specific offences of gambling and fortune-telling but turned upon the capacity for work of the persons considered. The Committee accordingly expressed the hope that the Government would 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.

The Committee has noted the statement made by a Government representative at the Conference in 1978 which stressed the right to

work and other constitutional guarantees, indicated that the inadmissibility of unearned income and the moral obligation to work did not mean that evasion of work was punished as such, and gave the assurance that the comments formulated by the Committee would be transmitted to the competent bodies and would be taken into account. The Committee notes that the Government's latest report refers to the guarantees provided in the above-mentioned Ordinance against illicit institution of proceedings under section 209 of the Penal Code of the RSFSR and to the statement made by its representative at the Conference but that it does not indicate whether action has been taken or is being contemplated in order to amend this provision of the Penal Code along the lines suggested by the Committee.

Referring to the explanations provided in paragraphs 45 to 48 of its 1979 general survey of the abolition of forced labour, the Committee again expresses the hope that appropriate measures will be taken to limit the scope of section 209 of the Penal Code of the RSFSR and of the corresponding provisions in force in other Union Republics to "systematic vagrancy" and "begging", as defined in the above-mentioned Ordinance of the Supreme Court, and to such other specific offences as have been previously mentioned by the Government.

2. 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 farm. 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.

In its previous report, the Government stated that it understood the Committee's views and was holding consultations on the subject with the organisations concerned with a view to a positive solution. The Committee notes from the Government's latest report that these consultations are continuing. It hopes that the Government will soon be able to indicate the solution adopted.

Venezuela (ratification: 1944)

The Committee notes with interest from the information supplied by the Government in its last report that the Committee for the Reform of the Penal Code has approved the draft Code submitted to the Congress for adoption.

The Committee recalls that, under section 113 of this draft, security measures involving an obligation to work shall be imposed only by the courts. It hopes that this provision will be adopted in the near future in order to bring the legislation into conformity with Article 2, paragraph 2(c), of the Convention on this point.

Zaire (ratification: 1960)

With reference to its earlier comments, the Committee notes the assurances given by the Government to the Conference Committee in 1979 and in its last report that the Executive Council intends to review the situation in detail so as to bring legislation into conformity with Convention No. 29.

The Committee recalls that comments have been made for some years on the following questions:

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

The Committee hopes that the current review of the legislation will enable the Government to ensure the observance of the Convention on these points and that the next report will indicate the measures taken to this end.

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Mr. Tunkin, member of the Committee, expressed the opinion that certain observations relating to some socialist countries were not justified by the situation existing in these countries. Another member of the Committee, Mr. Gubinski, associated himself with Mr. Tunkin's view. Mrs. Bokor-Szegö, member of the Committee, made a reservation as to the evaluation of the application of the Convention in certain socialist countries.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Austria, Bahamas, Bangladesh, Benin, Brazil, Bulgaria, Burma, Burundi, United Republic of Cameroon, Central African Republic, Chile, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Fiji, Federal Republic of Germany, Ghana, Greece, Guinea-Bissau, Guyana, Honduras, Iceland, India, Iraq, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kuwait, Libyan Arab Jamahiriyah, Luxembourg, Madagascar, Mali, Mauritius, Morocco, Nicaragua, Pakistan, Panama, Papua New Guinea, Peru, Portugal, Romania, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Uganda, Yemen, Yugoslavia, Zaire, Zambia.

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

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Guatemala (ratification: 1961)

With reference to its previous observations, the Committee notes that the draft Government Decree to issue regulations giving effect to the Convention, drawn up during the direct contacts that took place in November 1975 between the competent national services and a representative of the Director-General of the ILO has not yet been adopted. This Decree was to take account of the earlier comments of the Committee concerning the need for regulations governing temporary exceptions to normal hours of work and limiting the maximum number of additional hours allowed, in conformity with Article 7, paragraphs 2 and 3, of the Convention. The Committee also notes that the Government informed the representative of the Director-General in December 1979 that the Decree would be approved in the near future.

The Committee trusts that this draft will soon be adopted and requests the Government to indicate any measures taken to this end.

Iraq (ratification: 1962)

Article 7 of the Convention. The following provisions of the Labour Code, as amended by Act No. 110 of 1978, are not in conformity

with this Article of the Convention, which lists exhaustively the cases in which exceptions to normal hours of work may be authorised:

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

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

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

Nicaragua (ratification: 1934)

See the observation concerning Convention No. 1.

Syrian Arab Republic (ratification: 1960)

Article 7 of the Convention. See under Convention No. 1.

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

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

Algeria (ratification: 1962)

In its previous observations 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 which came into force on 5 July 1975.

The Committee notes the statement in the Government's report that the Ordinance applies only in cases where the Algerianisation of the legislation has been finalised and that the texts inherited in 1962 which concern ratified Conventions continue to be applied in practice pending the adoption of new provisions. It notes further that Act No. 78-12 of 5 August 1978 concerning the general status of workers provides for the issue of model regulations for each sector of activity and that the regulations to be issued under the Act have been submitted to an interministerial committee for consideration.

The Committee hopes that appropriate regulations will be adopted soon and that they will give effect to the provisions of the Convention.¹

Argentina (ratification: 1950)

In its previous comments the Committee noted that the review of port operations, with a view to their reorganisation, during which the requirements of the Convention were to be taken into account, had been suspended pending the revision of the Convention. It notes from the Government's latest report that the Safety and Health (Dock Work) Convention, 1979 (No. 152) will be studied with a view to ratification.

The Committee recalls that it has been drawing attention since 1952 to the fact that no national provisions exist to ensure the application of the Convention, and once again urges the Government to lay down legally binding rules to ensure the safe conduct of port operations in conformity with the requirements of the Convention, which is at present the sole international instrument binding on Argentina.²

Italy (ratification: 1933)

The Committee notes that, following the adoption in December 1978 of the Act on the institution of a national health and safety service, the entire area of occupational accident prevention is to be regulated and the obligations laid down in the Convention will be fully met. It notes further that the tripartite committee appointed by the Ministry of Merchant Shipping intends to draft regulations which comply as closely as possible with the provisions of the above Act.

The Committee recalls that for a number of years the Government has been stating its intention to adopt general regulations concerning safety in port work which would give full effect to the requirements of the Convention throughout the national territory and would replace the local regulations issued by individual port authorities through which the Convention is at present largely implemented in certain ports.

The Committee reiterates its hope that appropriate regulations will be adopted soon and that they will give full effect to the requirements of the Convention in all ports of the country.²

Mexico (ratification: 1934)

The Committee notes the information provided by the Government with regard to the manner in which inspection of dock work is carried out in practice and to the manner in which the provisions of the Convention and of the ministerial circular issued to give effect to certain of its requirements are brought to the attention of those concerned as required by Article 17(3) of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1980.

² The Government is asked to report in detail for the period ending 30 June 1981.

Peru (ratification: 1962)

The Committee notes the discussions on the application of this Convention at the Conference Committee in 1979, when a government representative stated that no provisions had been adopted as regards the Convention. In its latest report the Government states that it intends to examine the provisions of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), with a view to ensuring the adequate protection of dockworkers and to the possible ratification of that Convention. The Committee once again expresses the hope that the Government will soon take the necessary measures to ensure the protection of dockers against occupational accidents.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Chile, Denmark, France, Mauritius, Netherlands, Panama, Singapore, Yugoslavia.

Information supplied by Byelorussian SSR, Ukrainian SSR and USSR in answer to a direct request has been noted by the Committee.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932Central African Republic (ratification: 1962)

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

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.

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.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

Guinea (ratification: 1959)

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

Further to its earlier requests, the Committee notes the Government's report to the effect that the draft Order concerning light work permitted for children will take account of the limitations and guarantees laid down in the Convention, the details of which are recalled below.

Article 3, paragraph (1)(c). Section 20 of the draft limits the employment of children under 14 years of age who are attending school to two hours a day both on school days and on holidays, whereas paragraph (1)(c) of this Article of the Convention also requires that the total number of hours spent at school and on light work must in no case exceed seven per day.

Article 3, paragraph (2)(b). Section 19(b) of the draft prohibits light work "during the night, that is to say, as an exceptional measure, between 8 p.m. and 8 a.m.". According to this provision of the Convention, children under 14 years of age may not under any circumstances be employed between 8 p.m. and 8 a.m.

The Committee also notes that section 15 of the new draft Order submitted by the Government does not prohibit the employment of children under 14 years of age in undertakings in which only members of the same family are employed, whereas Article 1, paragraph (3), of the Convention restricts this exception to employment which is not harmful, prejudicial or dangerous.

The Committee hopes that the draft Order in question will be amended accordingly and asks the Government to transmit the text of the new provisions as soon as they are adopted.

The Committee hopes that the Government will do everything possible to take the necessary measures in the very near future.

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

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

Requests regarding certain points are being addressed directly to the following States: Argentina, Chile, Mexico.

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

Article 12 of the Convention. The Committee refers to its previous comments concerning the "supplementary allowance" payable under sections L.685 and L.707 of the Social Security Code only to French nationals and to nationals of other countries with which an international reciprocity convention has been signed. It notes with interest, according to the information communicated by the Government

at the 65th Session (1979) of the Conference, that the financing of this allowance is now charged entirely to the state budget. However, since the supplementary allowance constitutes, as the Government indicates, a complement to a basic benefit, that is, a supplement now payable by public funds and thus covered by Article 12, paragraph 3, of the Convention, the Committee hopes that the Government will consider the extension of the payment of this allowance to nationals of States bound by this Convention, at least in cases in which they already receive a contributory social security benefit and continue to reside in France. (The Committee recalls, in addition, that this Convention is no longer open to new ratifications, and that the only States which have ratified it but have not concluded a reciprocity agreement with France, are the following: Argentina, Bulgaria, Chile, Djibouti, Ecuador, Malta and Peru.)

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

France (ratification: 1939)

Article 12 of the Convention. See under Convention No. 35.

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

France (ratification: 1939)

Article 13 of the Convention. See under Convention No. 35 (Article 12).

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

France (ratification: 1939)

Article 13 of the Convention. See under Convention No. 35 (Article 12).

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

Central African Republic (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:

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. See also under general observations.

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

Bahamas (ratification: 1976)

The Committee notes with satisfaction that the new list of occupational diseases in the schedule to the National Insurance (Industrial Benefits) Regulations issued in 1975 under the National Insurance Act, No. 21 of 1972, covers poisoning by phosphorus and all its compounds, in accordance with the Convention, and not only the organic compounds of phosphorus as before.

Panama (ratification: 1959)

With reference to its earlier comments, the Committee takes note with satisfaction of the information provided by the Government in its report (received in 1979) to the effect that the draft amendment to the General Regulations respecting Insurance Benefits for Occupational Risks, which was prepared during the direct contacts that took place in 1977 between the competent authorities and a representative of the Director-General, has been approved by the Managing Board of the Social Insurance Fund under the powers conferred on it by Decree No. 68 of 31 March 1970. The Committee requests the Government to communicate the text of the Regulations as amended.

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

Convention No. 44: Unemployment Provision, 1934

Peru (ratification: 1962)

The Committee notes the statement by the Government that present economic circumstances make it impossible to establish any kind of allowance or benefit for unemployment. It also notes that section 35 of the new Constitution of 1979 provides that the State shall protect persons against every form of unemployment and underemployment. In these circumstances, the Committee again expresses the hope that it will be possible to adopt the necessary measures in the near future to apply the basic provisions of this Convention.

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

Guinea (ratification: 1966)

The Committee notes with regret that for the third consecutive year 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. 47: Forty-Hour Week, 1935

A request regarding certain points is being addressed directly to the German Democratic Republic.

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification: 1937)

The Committee notes from the reply of the Government to its previous comments that the Government is still considering the possibility of giving effect to the Convention and will endeavour to settle the question, though results obtained so far suggest that a solution can be found only under bilateral agreements.

The Committee can only recall the explanation, given by it earlier in its observations of 1966, 1970 and 1971, to the effect that, although bilateral agreements may prove useful in the cases referred to in Articles 6 and 8 and within the framework of the administrative assistance provided for in Part IV, the purpose of the Convention is the direct establishment between ratifying States of a reciprocal international system for the maintenance of pension rights that becomes applicable by the mere fact of ratification.

The Committee trusts that the Government in its next report will be able to indicate progress in giving effect to the Convention, mentioning the efforts it has carried out to this end.

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

Convention No. 50: Recruiting of Indigenous Workers, 1936

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

Convention No. 52: Holidays with Pay, 1936

Burma (ratification: 1954)

In a communication to the Conference in 1977 the Government repeated its statement that the comments concerning the application of

certain Articles of the Convention had been referred to the Labour Legislation Committee with a view to the adoption of measures to bring the national legislation into conformity with the Convention. The Committee hopes that these measures will be taken shortly and wishes to recall in this connection the following points, which it has been making since 1957:

Article 1 of the Convention. The provisions of the Leave and Holidays Act, 1951, do not apply to all the undertakings covered by the Convention. In particular they do not apply to small establishments exempted from the Factories Act, to shops and offices situated in places to which the Shops and Offices Act has not yet been extended, to hotels, to building and public works undertakings and to road transport undertakings.

Article 2, paragraph 2. Though employees under 15 years of age receive a holiday of 14 consecutive days, those between 15 and 16 years receive a holiday of only 10 consecutive days, whereas, under this provision of the Convention, every person under the age of 16 years is entitled to an annual holiday with pay of at least 12 working days.

Article 4. Section 4(3) of the Leave and Holidays Act allows holidays to be accumulated, provided that the whole period is granted within three years, whereas the Convention, which requires a holiday of at least six working days to be given each year to workers aged 16 years or over and a holiday of at least 12 working days to be given to workers under 16 years of age, does not permit any postponement of the holiday.¹

Central African Republic (ratification: 1964)

See general observation.

Chad (ratification: 1961)

The Committee notes with regret that the Government's report has not been received since 1971. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information in answer to its previous comments regarding the following matters:

Article 2, paragraph 1, of the Convention. The Government is asked to state whether decrees establishing particular schemes of holidays with pay applicable to the classes of workers listed in section 193 of the Labour Code (migrant workers, workers recruited outside the territory of the Republic and workers working in conditions recognised to be dangerous or unhealthy) have been adopted and, if so, to provide the texts.

The Committee points out that under this provision of the Convention an annual holiday with pay of at least six working days must be taken every year, the right to accumulate being restricted to the remaining part of the holiday.

Article 7. The Government is asked to state whether the decree to be issued under section 215 of the Labour Code to establish the model "employer's record" has been established and,

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

if so, kindly supply a copy. The Committee wishes to emphasise that under this provision of the Convention all establishments must keep a record of holidays.

Peru (ratification: 1960)

With reference to its earlier comments concerning the accumulation of annual holidays, the Committee notes with interest that on the occasion of the mission of a representative of the Director-General of the ILO, a draft decree was worked out to provide for the granting to workers each year of a holiday of at least six days, in accordance with the provisions of the Convention, with the possibility of accumulating the rest of the holiday during two successive years.

The Committee hopes that the Government will shortly be able to report the adoption of the above-mentioned draft decree.

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

Convention No. 53: Officers' Competency Certificates, 1936

Finland (ratification: 1947)

The Committee refers to its earlier comments regarding the observations submitted by the Finnish seamen's organisations. It notes, from the Government's report, that the Finnish Ships' Officers' Union stresses the decrease in the number of exemptions granted in the matter of professional capacity requirements, but that some difficulty is being encountered regarding the supervision of the application of the requirements concerning manning, particularly with regard to mates.

The Committee also notes with interest that a draft decree is being prepared on ships' officers' professional capacity which will take into account the provisions of the Convention and which should bring about an improvement in the situation with regard to exemptions. The Committee hopes that these exemptions will be effectively limited to cases of force majeure, as specified in Article 3, paragraph 2, of the Convention.

Liberia (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It must therefore refer to its previous observation in which it noted the information provided by the Government to the effect that a Safety Division under the Bureau of Maritime Affairs is responsible for the inspection of ships and has inspectors around the world to inspect ships and, if necessary, to detain any ship which does not comply with Liberian maritime law and regulations. The Committee again requests the Government to supply all available information on the activities of these inspection services and provide, in particular, as was promised in the last report, indications of the number and nature of breaches of the provisions of the Convention which have been noted.

Mauritania (ratification: 1963)

Referring to its earlier comments, the Committee recalls that under section 90 of the Merchant Shipping Code of 1978 the conditions governing the acquisition of certificates of competency are to be fixed by order. It notes from the report of the Government that the Ministry of Merchant Shipping has been asked to take suitable measures. The Committee trusts that the text to be issued under the Code, which was already provided for by the former Merchant Shipping Code of 1962, will be adopted shortly.

Philippines (ratification: 1960)

Referring to its previous comments, the Committee notes with satisfaction, from the Government's report, that the revised Philippines Merchant Marine Rules and Regulations which contain provisions to give effect to Article 6 of the Convention, have been approved and are now effective. It further notes the Government's statement that an amendment to the Regulations is being considered, to give effect to Article 5, paragraph 2, of the Convention, which requires national laws or regulations to provide for the cases in which the authorities may detain vessels registered in the Philippines on account of a breach of the provisions of the Convention. The Committee hopes that the appropriate measures will soon be adopted.

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

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936Liberia (ratification: 1960)

The Committee has noted the discussions which took place in the Conference Committee as well as the Government's report (received in March 1980). It notes from the reply to its previous observations, that the amendment of the Maritime Law of 1964 - to which the Government had already referred in 1976 - is now before the legislature and that it includes (as does the new draft Labour Code) provisions which should ensure the full application of the following Articles of the Convention: Article 1, paragraph 2 (application of the Convention to vessels of more than 25 tons; the legislation now in force does not cover vessels of less than 75 tons); Article 2, paragraph 1 (the shipowner shall be liable in all cases of sickness or injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement); Article 6, paragraph 2(d) (the necessity of obtaining the competent authority's approval when repatriation has to be made to a port other than that where the sick or injured person was engaged or the voyage commenced). With regard to this last provision, the Committee notes the Government's explanation referring to the reservations expressed by the Bureau of Maritime Affairs on account of certain practical difficulties due to communication problems, and wishes to point out that under the Convention the "competent authority" need not be an authority in Liberia but may also be any authority which represents the country abroad.

The Committee hopes that the above-mentioned amendments will be adopted in the very near future and that the Government will not fail to communicate the text of such amendments.¹

Peru (ratification: 1962)

The Committee has noted the Government's reply to its previous comments and has noted with interest the introduction of a new health insurance scheme by Legislative Decree No. 22482 of 27 March 1979.

The Committee has also noted the information supplied concerning the application of the following provisions of the Convention: Article 1 (protection of workers employed on board fishing vessels), Article 5 (right of a sick or injured seaman to wages or to cash insurance benefits) and Article 7 (reimbursement of burial expenses).

With regard to the other points raised previously, the Committee would make the following points:

1. Article 4, paragraphs 1 and 3, of the Convention. The Committee had requested the Government to indicate whether and in what manner a sick or injured seaman discharged in a foreign port, or a sick seaman who has not completed the qualifying period provided for in Legislative Decree No. 22482 for entitlement to medical and pharmaceutical aid under the health insurance scheme, is ensured the benefit of the assistance provided for in these provisions of the Convention. (Section 691 of the Regulation on harbourmasters' offices and the national mercantile marine, to which the Government again refers, seems to cover this assistance only when the vessel is at sea.) The Committee hopes that the next report will contain the information requested on this subject.

2. Article 8. The provisions of the Penal Code to which the Government refers in its report are not sufficient to ensure the application of this Article of the Convention, under which "national laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons ...". The Committee hopes that the Government will be able to insert into the national legislation an explicit provision corresponding to that in the Convention, which it has expressed its intention to do in the past.

Convention No. 56: Sickness Insurance (Sea), 1936

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

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

Liberia (ratification: 1960)

The Committee refers to its previous observations and recalls that under section 290(2)(a) of the Maritime Law (as amended by the -----

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

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 now notes the Government's statement in its report, that the Draft Act amending the maritime law should be enacted before the coming session (1980) of the International Labour Conference. It trusts that the necessary provisions will be adopted soon.

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

Mongolia (ratification: 1969)

With reference to its earlier comments, the Committee notes with satisfaction that the Central Statistical Office has prescribed a form of register of all workers under the age of 18 years for the use of all industrial undertakings.

Sierra Leone (ratification: 1961)

The Committee recalls that it 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. Obligation to prescribe a higher age than 15 years for the admission of young persons to dangerous employment.

The Committee notes from the report of the Government that these questions will be examined by the Joint Consultative Committee set up recently to advise the Government on labour matters. It hopes that the necessary measures will be adopted in the near future to give effect to these provisions of the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Burundi, Democratic Yemen, Fiji, Iraq, Philippines, Tunisia.

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

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

Convention No. 62: Safety Provisions (Building), 1937**Algeria (ratification: 1962)**

In its previous observations the Committee noted that the legislation governing safety provisions in the building industry was repealed by Ordinance No. 73-29 which came into force on 5 July 1975. The Committee notes that, following the adoption of Act No. 78-12 dated 5 August 1978 concerning the general status of workers, new draft decrees have been drawn up relating to the prevention of occupational accidents in the building industry and to hoisting machines. It notes also that an interministerial committee has been set up to study the regulations to be issued for the application of the Act. The Committee hopes that the draft decrees will give effect to the provisions of the Convention and that they will be adopted in the near future.¹

Central African Republic (ratification: 1964)

Further to its general observation the Committee 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 the existing Orders would be revised and brought into conformity with the provisions of the Convention. The Committee reiterates its hope that appropriate measures will be taken soon to give full effect to the requirements of the Convention.

Colombia (ratification: 1969)

The Committee notes with satisfaction that Resolutions Nos. 02400 and 02413 dated 22 May 1979, which have been issued concerning respectively housing, health and safety at workplaces and health and safety in the building industry, give substantial effect to the requirements of the Convention. Certain questions of detail are being dealt with in a request addressed directly to the Government.

Guinea (ratification: 1966)

The Committee notes that for the third consecutive year 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 to 8; Article 8, paragraph 1(a); Article 9, paragraph 3; Article 10, paragraph 5; and Articles 12 to 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.

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Mauritania (ratification: 1963)

See general observation.

Peru (ratification: 1962)

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

The Committee notes that the Ministry of Housing and Construction is working out safety rules for building operations. It recalls that the question of the revision of the National Building Regulations has been mentioned by the Government since 1975 and once again expresses the firm hope that measures will be taken in the near future to ensure the application of Articles 3, 10, 13(2), 15(1), 16, 17 and 18 of the Convention.

The Committee once again requests the Government to supply information on the system of labour inspection by which the enforcement is ensured of the legal provisions in force concerning safety in building work (Article 4) as well as the statistical data on the number and classification of accidents to persons employed on types of work covered by the Convention (Article 6).

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In addition, requests regarding certain points are being addressed directly to the following States: Colombia, Denmark, Guatemala, Mexico, Suriname, Zaire.

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

Convention No. 63: Statistics of Wages and Hours of Work, 1938Burma (ratification: 1961)

Article 5, paragraph 1, of the Convention. Further to its previous comments, the Committee notes with satisfaction that statistics for building and construction are forwarded regularly to the ILO.

Chile (ratification: 1957)

Part II of the Convention. The Committee notes that a new survey of establishments is being undertaken which would provide information on activities not covered at present and hopes that statistics will also be compiled not only in manufacturing and mining but also in building and construction in accordance with Article 5(1); and that they will be supplemented by figures for each sex and for adults and juveniles in accordance with Article 10(2).

The Committee further hopes that the compiled data will be published and communicated to the ILO in accordance with Article 1 of the Convention.

Part III. The Committee notes with interest the information supplied under Article 2, paragraph 3, of the Convention, indicating progress made in the application of this Part of the Convention which was excluded from acceptance by the Government.

Cuba (ratification: 1954)

Further to its previous comments the Committee notes that the State Statistical Committee is now the responsible national authority by virtue of Law No. 1323 of 1976 and that statistical information was supplied to the ILO for 1977 and 1978. It observes however that the latest statistics cover only wage rates and monthly earnings in selected industries and that complete data required under Part II (average earnings and hours actually worked), Part III (time rates of wages and normal hours of work), and Part IV (wages and hours of work in agriculture) of the Convention are still unavailable. The Committee recalls the intention of the Government, stated in previous years, to pursue efforts to compile and publish the necessary statistics, and reiterates its hope that measures will be taken to give full effect to the Convention.

Mexico (ratification: 1942)

With reference to its previous comments, the Committee notes with interest the information supplied in the Government's report on various measures taken with a view to compiling the statistics required by the Convention.

Articles 1 and 5 of the Convention. The Committee takes note of the statistics supplied which relate to the mining industry. It notes further that the latest statistics on hours actually worked in manufacturing, mining, building and construction which have been furnished to the ILO relate to 1976, and that other data on mining and building and construction required by Article 5 of the Convention do not seem to have been published. It hopes that the Government will soon be able to ensure that all required data are compiled and will transmit these data to the ILO and publish them in accordance with Article 1 of the Convention.

Articles 12 and 21. The Committee reiterates the hope that the Government will be able soon to compile and publish index numbers for mining and building and construction, showing the general movement of earnings and the general movement of wage rates, in accordance with the provisions of these Articles.

Spain (ratification: 1971)

Article 7 of the Convention. Further to its previous comments, the Committee notes with satisfaction that the new wages survey introduced in 1977 also covers allowances in kind.

Uruguay (ratification: 1954)

The Committee notes the information supplied in reply to its previous comments.

Part II of the Convention. The Committee notes that the annual Labour Census which previously compiled and published statistics on average earnings and hours actually worked (Articles 5 to 11 of the

Convention) has been discontinued. It further notes that these statistics which have been compiled since 1978 through the Continuous Survey of Wages relate only to Montevideo and (except wage indices) are not published or communicated to the ILO. The Committee once again hopes that the required statistics will be compiled, published and transmitted to the Office in accordance with the provisions of Article 1(b) and (c) of the Convention.

Part III. The Committee notes that statistics on time rates of wages and normal hours of work are not published and that data furnished to the Office do not fully meet the provisions of Articles 13 to 20 of the Convention. It hopes the Government will take the necessary steps to ensure compliance with these Articles.

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In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Burma, Canada, Czechoslovakia, Egypt, Finland, Guatemala, Ireland, Kenya, Mauritius, Panama, Spain, Syrian Arab Republic, Tanzania.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

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

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Information supplied by Tanzania 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 Republic, Peru.

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

Peru (ratification: 1962)

The Committee recalls that the Government, following the direct contacts that took place in 1972, adopted Presidential Resolution No. 213-74-TR of 21 May 1974 to set up an inter-ministerial committee to work out draft regulations on food and catering on board ship. During the direct contacts that again took place in 1978, the Standing Committee for the Study and Evaluation of International Maritime Conventions (CPCM) informed the representative of the Director-General that the relevant texts were to be drafted in the light of the comments of the Committee of Experts.

The Committee therefore trusts that the Government will soon take the necessary measures to give full effect to the Convention. It requests the Government to provide the texts of any laws or regulations that may be adopted and copies of existing collective agreements dealing with the matters covered by the Convention.¹

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

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

Peru (ratification: 1962)

Articles 3 and 4 of the Convention. Referring to its earlier comments, the Committee notes from the report of the Government that there is no certificate of qualification as provided by Article 3 and that only discharge certificates are required. The Committee cannot but observe with regret that effect is not given to these Articles of the Convention, under which no person may be engaged as ship's cook on board any vessel unless he holds a certificate of qualification, granted in accordance with the conditions laid down by the competent national authority concerning age, period of sea service and passing of the prescribed professional examination.

The Committee hopes that the Government will soon take the necessary measures to ensure the application of the provisions of the Convention, as indicated to a representative of the Director-General during the direct contacts that took place in October 1978.¹

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

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

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: Algeria, Argentina.

¹ The Government is asked to report in detail for the period ending 30 June 1980.

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

Sweden (ratification: 1925)

Further to its previous comments, the Committee notes with satisfaction that, following the adoption of Act (1979 : 37) amending the Ordinance (1961 : 87) concerning the Registration and Signing on and Signing off of Seamen, section 44 thereof now ensures better application of Article 5, paragraph 1, of the Convention (seamen's medical certificate to remain in force for a period not exceeding two years).

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

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

Convention No. 74: Certification of Able Seamen, 1946

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

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

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

Panama (ratification: 1970)

With reference to the general observations that it made in 1978 and 1979, the Committee notes that the draft decree to give effect to several provisions of the Convention, which was worked out during the direct contacts that took place in 1977 between the competent national services and a representative of the Director-General of the ILO, is still under examination by the competent authorities with a view to being approved. The Committee hopes that this draft will soon be adopted and requests the Government in its next report to indicate any progress made.¹

Philippines (ratification: 1960)

With reference to its previous observation, the Committee notes with satisfaction from the information supplied by the Government in its reports and to the Conference in 1979 that Rule 1967(1) of the Occupational Safety and Health Standards, promulgated as law on 8

¹ The Government is asked to report in detail for the period ending 30 June 1980.

December 1978, applies to undertakings employing 200 workers or fewer and provides for the pre-employment and regular medical examination of all workers without distinction of age. It would be grateful if the Government would provide the text of these standards with its next report. Since the situation of undertakings employing over 200 workers is already governed by section 9, Rule I, Book IV of the Rules and Regulations implementing the Labor Code, the national legislation is thus in conformity with the basic provisions of the Convention.

So far as additional measures may still be necessary, the Committee recalls that, under the direct contacts mentioned in its 1978 observation, suggestions were made in a technical memorandum sent to the Government in September 1977 concerning measures that might be adopted to ensure the full application of the Convention. The Government will doubtless keep these suggestions in mind when it decides on other measures that may be necessary to give full 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, Luxembourg, Nicaragua, Paraguay, Peru.

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

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

Panama (ratification: 1970)

See observation under Convention No. 77.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, United Republic of Cameroon, Luxembourg, Nicaragua, Panama, Peru.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Peru (ratification: 1962)

Further to its previous observations, the Committee notes that the Government stated to a representative of the Director-General in October 1979 that a draft decree similar to that which had been drawn up previously during direct contacts would soon be adopted. The Committee recalls that its comments concerned the following points.

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 o'clock in the evening and 8 o'clock in the morning 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 9 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 under the age of 18 who appear at night as performers under 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 under the age of 18 engaged in employment carried out in public places.

The Committee hopes that the draft decree will be adopted in the near future.

Convention No. 81: Labour Inspection, 1947

Austria (ratification: 1949)

Articles 10 and 18 of the Convention. The Committee has noted from the Government's report that the Congress of Austrian Chambers of Labour has communicated an observation indicating that although illegal situations as regards workers' protection have been reported to the authorities, it has not been possible to put an end to them and punish those responsible. The Congress considers that this is partly due to the fact that penalties for contraventions are too light and partly due to organisational difficulties which may be explained mainly by the understaffing of the labour inspectorate. The Committee has also noted that the Congress of Austrian Chambers of Labour accordingly welcomes a draft amendment to the Labour Inspection Act which provides for the establishment of workers' protection committees to facilitate the task of the labour inspectorate and that it considers that the bringing into force of this legislative draft would doubtless provide for a better implementation of the Convention. The Committee would be grateful if the Government would keep the ILO informed of any development related thereto.

Bolivia (ratification: 1973)

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

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 regrets to note that no inspection report has been received in the ILO since the ratification of the Convention, whereas, under Article 20, such a report must be published and sent to the ILO every year. The Committee trusts 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 called for in Article 21 of the Convention.

Central African Republic (ratification: 1964)

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

Article 11, paragraph 2, of the Convention. The Committee notes the statement made by a Government representative to the Conference Committee in 1978 that the draft decree laying down internal regulations for the labour administration service was then under study, and that it included provisions relating to expenses and also the re-establishment of travelling expenses in the form of lump-sum payments. It also notes that during the direct contacts which took place in December 1978 between the competent national authorities and a representative of the Director-General of the ILO, this question was examined with a view to the full application of the Convention on this point. The Committee trusts that this draft decree will be adopted shortly and it requests the Government to send the text once it has been promulgated.

Articles 20 and 21. The Committee notes the statement made by a Government representative to the Conference Committee in 1978 according to which measures have been taken so that henceforth complete inspection reports will be published and communicated to the ILO. It recalls once again that so far only one report, for 1969, has been communicated to the ILO and trusts that these reports will soon be published and sent to the ILO in conformity with Articles 20 and 21 of the Convention.

See also under General Observation.

Chad (ratification: 1964)

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

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

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

Dominican Republic (ratification: 1953)

I. With reference to its earlier observations, the Committee notes the information provided by the Government and in particular a statement that the Bill drawn up in 1976 following the direct contacts between the competent national services and a representative of the Director-General of the ILO is to be examined at the next session of the legislative body. It hopes that this Bill, which is to amend sections 38, 219, 398, 401 and 686 of the Labour Code, will be adopted shortly, so as to give effect to the following provisions of the Convention:

Article 6, under which labour inspectors must be assured of stability of employment and independence of changes of government and of improper external influences.

Article 13, paragraph 2(b), under which labour inspectors must be empowered to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

Article 14, under which the labour inspectorate must be notified not only of industrial accidents but also of occupational diseases.

II. Articles 20 and 21. The Committee notes that the Government's report contains no information in reply to its previous comments. Since no annual inspection report appears to have been published since the ratification of the Convention, it can only express the hope that the Government will take the necessary measures in future to ensure the publication and transmission to the ILO within the periods laid down of an annual inspection report in conformity with Article 20 of the Convention and that it will contain all the information required by Article 21 of the Convention.²

France (ratification: 1950)

I. In its previous observation, the Committee noted the comments made by the CGT Social Affairs General Union, the CFDT Labour and Employment National Union and the General Confederation of Labour. The reply of the Government arrived during the session and the Committee postponed its examination.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

² The Government is asked to report in detail for the period ending 30 June 1980.

Articles 3, paragraph 2, and 10 of the Convention (duties entrusted to inspectors and number of inspectors). The trade union organisations state that Decree No. 77-1288 of 24 November 1977 to organise the external labour and employment services has reduced the supervisory duties of labour inspection to a subordinate rank: first, the numerous and ever more complex duties entrusted to the sections of the labour inspectorate, in view of the extremely reduced resources in staff and equipment available to them, place an obstacle in the way of their primary duties of supervision and, second, the conciliation and arbitration function assigned to them (section 2, third paragraph, of the Decree) in relation to labour disputes is by its very nature incompatible with the supervisory duties of the labour inspectorate.

In its reply, the Government states in particular that under the Decree of 1977 the external labour services comprise the inspection sections and the specialised services. The former are thus not alone in carrying out the various duties assigned to the external services, even if, under section 2, paragraph 4, of the Decree, they are called on to take part in them.

The Committee considers that the assignment to the inspection services by national laws or regulations of a number of duties distinct from their primary duties of supervision is not necessarily incompatible with the Convention. In fact, the problem arising is rather of a practical nature: to determine whether labour inspectors, faced with numerous duties, are not likely to neglect their basic duty. This question has thus a close bearing on Article 10 of the Convention, which provides that the number of labour inspectors shall be sufficient to secure the effective discharge of their primary duties. In this connection, the Committee notes from the reply of the Government that of the 6,000 officials making up the external labour services, about 1,600 are part of the labour inspection sections.

The Committee considers that it has not all the necessary facts to determine whether, in practice, the staff of the inspection services is large enough for the numerous duties entrusted to it. In particular, the Committee lacks up-to-date statistical information on the number of workplaces liable to supervision by the labour inspectorate and on the frequency of inspection visits (see Articles 20 and 21 below). Nor is there any indication either by the trade union organisations or by the Government of the volume in practice of the supplementary duties entrusted to the inspectorate services both as advisers and conciliators in labour disputes and as participants in the carrying out of all the various duties of the departmental directorates. In these circumstances, the Committee requests the Government to provide full and detailed information on the above-mentioned points, specifying, if the additional duties entrusted to the sections of the inspectorate should be carried out by all officials of the inspectorate, the quantity of work represented by them in comparison with the primary duties mentioned in Article 3, paragraph 1, of the Convention. If these additional duties should be entrusted to specialised officials, the Government is requested to indicate their number.

The Committee also requests the Government to provide the text of the decision of the Council of State on the appeal submitted to it by the CGT against the above-mentioned Decree No. 77-1288 of 24 November 1977 when it has been handed down.

Article 6 (Stability of employment and independence of inspectors). The trade union organisations state that the officials of the labour inspectorate do not enjoy the independence necessary to the performance of their duties. Although, in respect of their supervisory

duties proper, the sections of the inspectorate escape the political control of the prefect, when they carry out their other duties they come under it. Furthermore, the trade union organisations add that the existence of a hierarchical structure in the department aggravates the dependence of the sections of the inspectorate. In support of their observations, they bring a number of facts to show that improper pressure is exerted by superiors in the hierarchy; unjustified or disguised penalties, pressure by the political authority, etc. In its reply, the Government states that in respect of the exercise of the primary duties of supervision, provided for by section 2A of the above-mentioned Decree of 1977, the national regulations do not provide for the subordination of labour inspectors to the prefect. Furthermore, it provides certain information in reply to the allegations concerning pressures exerted in practice on labour inspectors.

When Article 6 of the Convention specifies that the inspection staff shall be composed of public officials, the intention is to provide labour inspectors with a genuine guarantee of independence and stability. On the other hand, it cannot be deduced from this Article that the labour inspectorate should not be organised on an administrative pattern including a hierarchy of responsibilities in the conception and execution of the inspection policy. It is clear, however, that the independence of the inspector is genuine only if he can report without fear of reprisals that the methods followed in a workplace are contrary to the law and must be changed. The Committee notes that appeals have been lodged by inspectors against penalties imposed on them and it would be grateful if the Government would provide information on the results of these appeals and on any action taken on them.

Article 9 (Co-operation of experts and specialists with the labour inspectorate). The Committee takes note of observations made by the trade union organisations and of the reply by the Government. In order to be better able to appreciate the situation in practice, it requests the Government to provide further information on the number of safety engineers in the Ministry of Labour and to describe the machinery for co-operation between labour inspectors and the social security funds.

Article 11 (Facilities at the disposal of the inspection services). The Committee notes the observations by the trade union organisations and the reply of the Government. It would be grateful if the Government would state whether the allowances per kilometre paid to inspectors who use their own vehicle and the other travelling expenses are calculated so as to ensure the full reimbursement of the travelling expenses and the other incidental expenses (subsistence, accommodation), in accordance with this provision of the Convention.

Articles 17 and 18 (Prompt legal proceedings and penalties for violations of the legal provisions). The trade union organisations state that the procedure for the submission of reports of infringements drawn up by labour inspectors is long and complicated and in fact enables regional and departmental directors to influence decisions on the desirability of proceedings. Moreover, when a sentence is pronounced, the penalties inflicted seldom reach the minimum fixed by the law. The Committee points out in this connection that Article 17 of the Convention does not imply that labour inspectors must have the direct and personal power to refer reports of infringements to the prosecuting authority; this power may be exercised by the senior officials of the inspectorate. Nevertheless, in accordance with Articles 17 and 18 of the Convention, the effectiveness of measures of supervision depends very largely, as is emphasised in Circular No. 72/27 of 28 September 1972 on infringements of the labour legislation,

which was addressed to public prosecutors by the Minister of Justice, on the proceedings instituted and their promptness and on the exemplary character of the penalties inflicted. The Committee would therefore be grateful if the Government could provide further information on the effects of this circular, which is intended to ensure that infringements of the labour legislation are dealt with promptly and effectively.

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Further observations by the CPDT were transmitted to the Government for comment on 7 February 1980, and the Committee hopes that the Government will provide information in this respect to be examined at the next session.

II. Articles 20 and 21. In reply to the earlier comments of the Committee, the Government states that the Commission headed by a General Inspector of Labour and Employment should be able next year to transmit a first general report in accordance with Articles 20 and 21 of the Convention. The Committee takes due note of this information. It hopes that annual inspection reports will now be published regularly and sent to the ILO within the periods laid down and that they will contain all the information required by Article 21 of the Convention.¹

Gabon (ratification: 1972)

With reference to its earlier comments, the Committee notes with satisfaction that section 137 of the new Labour Code of 16 June 1978 gives full effect to Article 14 of this Convention.

Greece (ratification: 1955)

Articles 12, paragraph 1(c) (iv), and 13 of the Convention. The Committee notes with interest that a Bill has been drafted to bring the relevant provisions of Greek legislation into harmony with these Articles of the Convention, and that it is going through the legal procedure with a view to being adopted by Parliament. The Committee hopes that this Bill will be adopted shortly and requests the Government to report any progress made in this connection.

Guinea (ratification: 1959)

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:

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

¹ The Government is asked to report in detail for the period ending 30 June 1980.

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.¹

Haiti (ratification: 1952)

Article 6 of the Convention. The Committee notes the statement by the Government that the labour inspector has the normal status of a Haitian public official. It would be grateful if the Government would communicate the text governing the status of public officials.

Articles 20 and 21. The Committee takes note of the inspection report for the year 1977-78. It also notes that the report has not been published, owing to the fact that the Bulletin of the Ministry of Social Affairs has not appeared for some time. The Committee hopes that forthcoming reports will be published and transmitted to the ILO within the periods laid down in Article 20 of the Convention and that they will contain all the information provided for in Article 21 of the Convention.

Ireland (ratification: 1951)

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

The Committee has noted the new comments made by the Irish Congress of Trade Unions on certain points and the statement by the Government in its last report, for 1977-78, to the effect that these comments are under study and will be dealt with in the next detailed report. In these circumstances, the Committee would be grateful if the Government would provide detailed information for examination at its next session on the points that it is raising in a direct request.

Italy (ratification: 1952)

Article 11, paragraph 2, of the Convention. The Committee notes with satisfaction that Decree No. 513 of 16 January 1978 has raised the rates of allowance for expenses and the amount of travelling expenses reimbursed. This had an immediate effect over the number of inspections carried out in 1978 and 1979, which increased by 13 per cent and 21 per cent respectively over the 1976 number.

Article 13, paragraph 2(b). The Committee notes that it is impossible to give effect to this provision of the Convention before the bringing into force of Act No. 833 of 23 December 1978, which recommends a decentralised system of labour inspection assigning questions of occupational safety and health to the Ministry of Health. It requests the Government to supply to the ILO a copy of the above-mentioned Act and of any other relevant text.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

Jamaica (ratification: 1962)

Article 13, paragraph 2(b), of the Convention. The Committee notes that the draft legislation which will give effect to this provision of the Convention is still under consideration. It hopes that this legislation will be adopted soon 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 carried out in all factories (at present the Factories Act prescribes these powers only in respect of building sites and docks).

Article 14. The Committee notes that the provision for the reporting of cases of occupational diseases in mines to the labour inspectorate was erroneously omitted from the draft Mining (Safety and Health) Regulations, 1977, and that the necessary steps are being taken to correct the situation. It hopes that the Government will be able to indicate in its next report the progress achieved in this connection.

Kuwait (ratification: 1964)

Article 13, paragraphs 2(b) and 3, of the Convention. The Committee has taken note of the statement by the Government that draft regulations were to be discussed by a tripartite committee. It hopes that suitable provisions will be adopted in the near future so that labour inspectors will be empowered to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

Madagascar (ratification: 1970)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Decree No. 78-043 of 9 February 1978, which abolishes the limitation of the number of women labour supervisors laid down by section 5, paragraph 2, of Decree No. 61-227 of 19 May 1961 respecting the conditions of service of labour inspectors.

Mauritania (ratification: 1963)

1. Article 19 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts that took place in November 1979 between a representative of the Director-General of the ILO and the competent national authorities, a circular has been addressed to all chiefs of section in the labour inspectorate in order to give full effect to this provision of the Convention.

2. Articles 20 and 21. The Committee takes note of the quarterly report on the activities of the Riffa section of the Labour Inspectorate. It hopes that the Government will now be in a position to publish an annual inspection report containing all the information appearing in Article 21 of the Convention and to transmit it to the ILO within the periods laid down.

3. The Committee draws the attention of the Government to certain points that it raises in a direct request.

Netherlands (ratification: 1951)

Article 15(c) of the Convention. The Committee notes with satisfaction the amendment of section 330 of the Mining Regulations, 1964, to bring it into full conformity with this Article of the Convention.

Senegal (ratification: 1962)

Articles 20 and 21 of the Convention. The Committee takes note of the inspection report for the year 1977, which omits some of the information provided for in Article 21 of the Convention, namely: (a) list of laws and regulations relevant to the work of the inspection service; (b) staff of the inspection service; (f) statistics of industrial accidents; (g) statistics of occupational diseases. Furthermore, the report does not appear to be in conformity with Article 20. The Committee also notes that the report for the year 1978 is being drawn up; it would be grateful if the Government would take the necessary steps to ensure that, in future, annual inspection reports are published regularly and transmitted to the ILO and that they contain all the information provided for in Article 21 of the Convention.

Sierra Leone (ratification: 1961)

Articles 20 and 21 of the Convention. The Committee notes with regret that the inspection report covering the period 1970-75 has not yet been transmitted to the ILO. The Government has been mentioning since 1975 that the inspection report was under preparation and that a copy would be forwarded to the ILO as soon as it was printed. The Committee recalls again that, in accordance with 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 trusts that the inspection report for the period 1970-75 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 within the time limits laid down in Article 20 of the Convention.

Sudan (ratification: 1970)

The Committee notes with satisfaction the provisions of article 18 of the Industrial Safety Act, 1976, which gives full effect to the requirements of Article 12, paragraph 1(c)(iv), of the Convention.

Suriname (ratification: 1976)

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

The Committee hopes that the draft labour inspection ordinance, approved by the Council of Ministers and submitted to Parliament for adoption, 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)

Article 13, paragraphs 2(b) and 3, of the Convention. The Committee takes note with interest of the statement by the Government that the future Federal Act respecting accident insurance, of which a Bill is at present before the Chambers, will abolish the discrepancies noted previously between the Federal Act of 13 March 1964 and the provisions of Article 13, paragraphs 2(b) and 3, of the Convention. It hopes that the Bill will soon be adopted and requests the Government to report any progress made in this connection.

Tanzania (ratification: 1962)Tanganyika

Articles 20 and 21 of the Convention. The Committee notes with interest that the Annual Inspection report for the years 1966-69, contained in the draft Annual Report of the Labour Division for 1966-69 has been received. It notes, however that the report lacks the information called for by subparagraphs (a) and (b) of Article 21. It hopes that the Government will take the necessary measures to ensure that this information is transmitted to the ILO.

It further hopes that, in the future, annual inspection reports containing all the information required by Article 21 of the Convention will be published and communicated to the ILO within the time limits laid down in Article 20 of the Convention.

Uganda (ratification: 1958)

Articles 20 and 21 of the Convention. Further to its previous request, the Committee notes with satisfaction the inspection report for 1975 which contains all the information stipulated in Article 21 of the Convention. As to the 1974 report, mentioned in the Government's report, it was not received by the ILO. It also notes that subsequent reports will be sent as soon as they are ready. The Committee hopes that the inspection reports for 1976 and 1977 will be communicated soon and that in the future annual inspection reports will be published and communicated to the ILO within the time limits laid down in Article 20 of the Convention.

Yugoslavia (ratification: 1955)

Article 12, paragraph 1(a), of the Convention. The Committee has noted that in some republics and provinces, a labour inspector is empowered to enter workplaces freely and without previous notice but only during working hours and that in other republics he is empowered to enter workplaces at any hour without previous notice, whereas this provision of the Convention provides that inspectors shall be empowered to enter workplaces liable to control at any hour of the day or night i.e. also outside working hours, particularly in order to enable them to ensure that the legal provisions are being observed with regards to working hours or to check the condition of a machine when not in operation. The Committee hopes that the Government would take the necessary measures to ensure that this provision of the Convention is applied in all republics and provinces and requests the Government to communicate any progress achieved in this connection.

Article 14. The Committee has noted that workplaces are obliged to notify the labour inspectorate in case of collective, serious and

fatal accidents and that in some republics and provinces workplaces are also obliged to notify it of cases of occupational disease. Considering that the notification of both industrial accidents and cases of occupational disease is required under this Article of the Convention, the Committee would be grateful if the Government would indicate the measures envisaged to give effect to this provision of the Convention in all republics and provinces.

Article 15(c). The Committee notes that the Government's report contains no information on the question raised in earlier comments. The Committee had noted that only the legislation of the republics of Slovenia and Serbia applies these provisions of the Convention and that in the other republics and autonomous provinces the obligation to treat complaints from workers as confidential has not been introduced into the legislation, since it has been considered that the efficiency of labour inspection is best served by publicity. The Committee wishes to stress again the importance of this provision of the Convention, the purpose of which is to protect the authors of complaints against possible reprisals; the absence of such protection may lead the workers - or at least certain workers - to refrain from drawing the attention of the supervisory bodies to defects in undertakings. The Committee once again expresses the hope that the Government will be in a position to re-examine the situation and that the necessary steps will be taken to remind inspectors, for example by means of written instructions, that they must treat the source of all complaints as confidential and refrain from revealing to the responsible persons in the undertakings that an inspection has been made following a complaint.

Zaire (ratification: 1968)

Articles 20 and 21 of the Convention. The Committee takes note of the annual inspection reports for the years 1971, 1972, 1973 and 1974, which do not contain the information provided for in Article 21 of the Convention respecting the list of laws and regulations relevant to the work of the inspection service (clause (a)), or the statistics of occupational diseases (clause (g)). Furthermore, the 1974 report does not contain statistics of industrial accidents (clause (f)). The Committee requests the Government to transmit to the ILO copies of the annual inspection reports for the years 1975, 1976 and 1977 and would be grateful if it would ensure that in future annual inspection reports are published and transmitted to the ILO regularly, in accordance with Article 20 of the Convention and that they contain all the information called for in Article 21 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bahamas, Bangladesh, Barbados, Bolivia, Bulgaria, Burundi, United Republic of Cameroon, Chad, Cyprus, Denmark, Finland, Gabon, Ghana, Greece, Guyana, Haiti, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Netherlands, Norway, Pakistan, Qatar, Romania, Singapore, Sri Lanka, Sudan, Suriname, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Turkey, Uganda, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire.

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

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947Somalia (ratification: 1960)¹

The Committee takes note of the information supplied by the Government in its report. The Committee notes that this information gives a detailed description of the conciliation and arbitration system, but contains no reply to the questions raised in several direct requests previously addressed to the Government which concerned the following points:

The Committee notes the Government's reports and in particular the information that the current review and reorganisation of the system of workers' organisations will lead to many amendments of the provisions of the 1972 Labour Code relating to trade unions. The Committee has also noted the Government's statement that the ILO standards will be taken into consideration.

The Committee wishes to point out that in its earlier direct requests it drew the Government's attention to certain provisions of the Labour Code, i.e. section 10 requiring a minimum of 50 workers for the formation of a trade union and section 27 giving the Supreme Revolutionary Council the power to dissolve any union whose activities are regarded as prejudicial to the workers' interests or contrary to the spirit of the revolution.

As regards section 10 of the Labour Code, the Committee notes that in practice unions exist with only 10 members where there is an identity of interests in small groups. It also notes that measures are being considered for bringing the law into conformity with practice. The Committee requests the Government to supply information on any developments in this matter.

As regards section 27 of the Labour Code, the Committee notes that, under Somalia's Constitution, the Supreme Revolutionary Council which has the power to dissolve trade unions is the highest judicial body of the country. The Committee requests the Government to supply details of the procedure followed in cases before this body and to indicate its composition.

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

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to Tanzania (Zanzibar).

¹ The Government of Somalia when it became a Member of the ILO stated that it would continue to apply the provisions of Convention No. 84 until such time as it would have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

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

Argentina (ratification: 1960)

Following the discussion which took place on the application of this Convention in the Conference Committee in 1979, the Committee notes the information supplied by the Government to this body and in its last report. It also notes the 201st Report of the Committee on Freedom of Association concerning Argentina and dealing in particular with the new Act on occupational associations of workers, No. 22105, promulgated in November 1979.

The Committee notes with interest that the new provisions on the rights of organisations which do not enjoy trade union status, in particular with regard to consultations on labour legislation and the right to represent the interests of their members (section 29), reduce the powers which were granted exclusively to organisations with trade union status by previous legislation, and concerning which the Committee had made comments.

In the light of the conclusions of the Committee on Freedom of Association, and having examined the new legislation, the Committee has noted several important provisions which are not compatible with the rights recognised by the Convention, in particular the following:

- prohibition of senior staff to join together in the same associations as other workers (section 4);
- trade union structure on a defined geographical basis subject to the authorisation of the Ministry of Labour (section 5);
- apparently general prohibition for trade unions to participate in political activities (section 8);
- conditions required for the eligibility of persons for trade union office and for the composition of governing bodies, in particular four years of seniority in the occupation for a first election, limitation on the renewal of terms of office for trade union leaders, limited number of leaders in the secretariats of federations (sections 14, 15 and 16);
- intervention in the administration of trade unions: obligation to inform the Ministry of Labour beforehand of any trade union meeting or assembly, obligation to furnish any information demanded by the Ministry of Labour, which supervises occupational associations and the administration of their funds, and is empowered to assume temporary control of the associations in the case of violations of laws or by-laws or of non-compliance with provisions established by the Ministry (sections 22, 30(a) and (b), 64, 65 and 61);
- limitations on the right to establish federations and confederations and on the rights arising from affiliation to international organisations: federations covered by the Act may be established only by associations which have been granted trade union status (section 37), confederations not covered by the Act, dissolution of third-level organisations existing when the Act entered into force (section 75), prohibition on the receipt by workers of subsidies or financial aid from foreign occupational associations (section 10).

The Committee requests the Government to furnish information on any measures which may be taken with a view to bringing the legislation into conformity with the guarantees provided for in the Convention.

In addition, the Committee asks the Government to take any measures to remove the other restrictions on trade union activities which are still in force, in particular with reference to the right to strike and to provide information on any development in the situation.¹

Burma (ratification: 1955)

Following its earlier comments, the Committee notes the information supplied by the Government.

In its previous observation, the Committee had pointed out that Burmese legislation provided for the setting up of a single trade union system (Act No. 76 of 1976, article 9 and Workers' Organisation Rules No. 5 of 1976, chapter 2) contrary to Article 2 of the Convention under which workers have the right to form organisations of their own choosing. The Government explains that the organisation is a voluntary one, freely set up by the workers and having the right to draw up its own rules and to set out its programme; the Constitution of Burma assigns to it an important advisory function and the Government does not exercise any supervision over it. The only role the Government plays is to comply with requests by the workers to have their decisions registered by legislation.

The Committee notes that, in accordance with its constitution, the organisation to which the Government refers (Workers' Asiatyone) has been set up on the principle of the single trade union system and is placed at all levels under the leadership and supervision of the Burma Socialist Programme Party. This role of the Party is provided for in the Rules, in particular, in connection with the participation of the workers' organisation in the drafting and implementation of the economic plans of the country and in connection with the formation of the basic units of the Asiatyone. In these circumstances, even though this constitution and Burmese law itself provide for the voluntary membership of the workers, it does not seem possible for workers wishing to do so to form legally other associations of their choice for the purpose of promoting and defending the interests of their members.

The Committee has already recalled in that connection that, while it may be to the general advantage of workers to avoid a multiplicity of trade union organisations, a single trade union movement should not be imposed by the State by legislative means. In point of fact, apart from the above-mentioned provision of Article 2, the Convention specifies in Article 8, paragraph 2, that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention.

The Committee reiterates its hope that the legislation will be reconsidered in the light of the above comments and asks the Government to supply information on the measures taken to that end.

Central African Republic (ratification: 1960)

The Committee notes the information communicated by the Government delegate to the Conference in 1979. It takes note of various

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

texts (Imperial Ordinance No. 79/0010 and Imperial Decree No. 79/080 of 2 February 1979; Imperial Decree No. 79/100 of 14 February 1979; Imperial Ordinance No. 79/019 of 1 March 1979). The Committee requests the Government to specify the scope of these texts.

The Committee recalls that it has made comments several times on section 10 of the Code, which provides that the members of the executive committee of a trade union must have belonged to the occupation for five years, section 22, which provides that collective agreements must be discussed by delegates of employers' or workers' organisations belonging to the occupation or occupations concerned, and section 6, which places restrictions on the trade union rights of foreigners.

The Committee requests the Government to consider measures to bring the legislation into full conformity with the Convention and to provide information on any development.

See also under General Observations.

Chad (ratification: 1960)

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

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

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

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

Convention) and of organising their activities (Article 3).

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

In addition, in its previous direct requests, the Committee has noted the statement of the Government that trade unions may affiliate with organisations provided that these have African allegiance. The Committee again requests the Government to indicate whether organisations of workers and employers have the right to affiliate with international organisations of workers and employers, in general, as provided for in Article 5 of the Convention.¹

Costa Rica (ratification: 1960)

The Committee notes the observations presented by the Government to the Conference Committee during its 1979 Session on the comments addressed to the ILO by the General Confederation of Labour, which concern the reports of the Government relating in particular to Conventions Nos. 11 and 87. It also notes the last report of the Government.

The comments of the General Confederation of Labour related to the prohibition raised by certain employers against the visit of trade union leaders to workplaces, including plantations. The Committee notes in this connection the statement by the Government that the General Confederation of Labour does not refer to any concrete case.

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

Ethiopia (ratification: 1952)

The Committee notes the information supplied by the Government to the Conference Committee in 1979 and that contained in its last report.

The Committee also notes that the questions raised in its earlier observations have been the subject of thorough discussions between a representative of the Director-General and the Government during a direct contacts mission carried out in January 1980.

The Committee hopes that its earlier comments will be taken into account during the re-examination of legislation that is going on at present. It requests the Government to provide information on any development in this connection.

Greece (ratification: 1962)

In a letter dated 25 February 1980, the World Federation of Trade Unions submitted to the Office comments on the application by Greece of Conventions Nos. 87 and 98. These comments have been transmitted to the Government for its observations, and the Committee will examine both the questions raised in them as well as the observations received from the Government at its next session.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

Guatemala (ratification: 1952)

With reference to its numerous previous comments, the Committee notes the statement by the government representative to the Conference Committee in 1979 and also the information provided by the Government in its report.

It notes in particular that the Congress of the Republic continues to devote its full attention to the studies bearing on the draft of the new Labour Code and that the amendments relating to the application of Conventions Nos. 87 and 98 are part of a general reform. As soon as the Congress has taken a decision, it will be transmitted to the International Labour Office.

The Committee must recall that it has been commenting for several years on certain provisions of the Labour Code concerning the prohibition of the re-election of trade union leaders, the extent to which unions are supervised by the Government, the impossibility under the law of establishing minority trade unions within enterprises, the dissolution of unions that have been active in questions of electoral and party politics and the rights of workers in decentralised, autonomous and semi-autonomous state enterprises in union matters. The Committee has also pointed out that the application of section 63 of the Civil Service Act, which recognises the right of association of civil servants, is not regulated by any provision.

The Committee trusts that the legislation will be amended very shortly so as to ensure conformity with the guarantees of the Convention.¹

Honduras (ratification: 1956)

The Committee notes with satisfaction that, following the direct contacts held between the competent national services and a representative of the Director-General of the ILO, Decree No. 760 of 25 May 1979 has been issued and amends sections 475, 500(2), (3), (4) and (5), 504, 528 and 579 of the Labour Code to bring them into conformity with the provisions of this Convention. These amendments put an end to the requirement that at least 90 per cent of the members of a trade union should be citizens of Honduras and to the possibility of suspension by administrative authority of trade union leaders who have violated the Code. They also put an end to the powers of the Ministry of Labour and Social Welfare to suspend the legal personality of a trade union or even to dissolve it if it should have instituted or supported an illegal suspension or stoppage of work and, in these last circumstances, also to suspend the freedom of association of those guilty of such acts.

Nevertheless, the Committee must again refer to the need to bring the legislation into conformity with the provisions of the Convention on the following points:

1. Section 2 of the Labour Code must be amended so as to extend the right to join trade unions expressly to those working in agricultural or stock-raising undertakings that do not permanently employ more than ten workers, in order to bring this provision into conformity with Article 2 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

2. Section 472 of the Labour Code, which, contrary to Article 2 of the Convention, does not allow the existence in the same undertaking, institution or establishment of more than one plant union and provides that where there are several unions only that with the greatest number of members shall remain in existence, must be amended.

3. Section 510(c) of the Labour Code, which provides, contrary to Article 3 of the Convention, that trade union leaders must at the moment of election follow normally the occupation or function characteristic of the union and have exercised it normally for more than six months during the preceding year, must be amended.

4. Section 537, under which federations and confederations are not entitled to declare a strike, and section 541, which provides that the leaders of federations and confederations must have carried out the corresponding occupation or function during more than a year before election, must be brought into harmony with Article 6 of the Convention.

The Committee trusts that the legislation will also be amended in the near future in respect of these points.

Japan (ratification: 1965)

The Committee notes the information supplied by the Government to the Conference Committee in 1979, the observations sent by the General Council of Trade Unions of Japan (SOHYO) and the reply of the Government.

The comments of the SOHYO relate firstly to the right to organise of fire-fighting staff, which has been the subject of observations by the Committee for many years. The Committee notes the statement by the Government that consultations are going on with various central trade union organisations on this matter. It also notes the statement by the Government that it has no intention of interfering with the National Council of Firemen, unless this Council should carry on illegal activities. Referring to its previous comments the Committee requests the Government to keep it informed on developments in the matter and, more generally, on the right of fire-fighting staff to organise.

The Committee notes that the SOHYO refers to penal sanctions pronounced by the Supreme Court against trade union leaders in the public sector in connection with strikes. In this connection, the Committee notes more generally that the Committee on Freedom of Association has taken the view, in a case respecting Japan among others, that the development of occupational relations might be compromised by an inflexible attitude in the application of penalties in connection with strikes.

Lastly, the Committee notes that the Government provides detailed information on other questions raised in its previous observation concerning the cancellation of the registration of trade unions and the definition of managerial, supervisory and confidential staff. The Committee intends to examine these points at its next session.

Liberia (ratification: 1962)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee notes the information communicated by the Government in its report.

In its previous observations, the Committee has pointed out that certain provisions of the Labour Practices Act are not in conformity with the Convention. In particular, it has noted the absence of statutory provisions guaranteeing the right of workers in the public sector to organise. In this respect the Committee notes the Government's statement that the draft Bill (in Chapter 1, Part I, and Chapter 21, Part V) guarantees the right to organise to workers in the public sector whose functions are unrelated to the administration of the State; such a provision might not be in conformity with the principles of the Convention, and the Committee recalls in this regard that the Convention applies to all workers without distinction whatsoever including public servants.

The Committee noted that the Labour Practices Act sets up a supervision of trade union election by the Labour Practices Review Board. It notes with interest the Government's statement that the draft Bill will no longer contain any provision allowing supervision of trade union elections by the Labour Practices Review Board or by the Ministry of Labour, Youth and Sports.

Regarding the right of agricultural workers to organise jointly with industrial workers, the Committee notes the Government's opinion that the Labour Practices Act does not violate the Convention because it allows agricultural workers to join an agricultural trade union, but does not allow them to exercise "any privilege or function" for industrial workers. The Committee has noted that section 4601-A of the Labour Practices Act contains a provision ("no industrial labour organisation shall exercise any privilege or function for agricultural workers") which gives rise to the prohibition of the establishment of unions having both industrial and agricultural workers as members and the prohibition of joint membership of industrial and agricultural workers' unions in a national trade union centre. The Committee considers that in practice this restriction could bring about an impediment to the development of trade union organisations among agricultural workers. In addition, this provision does not conform to Articles 2 and 5 of the Convention. As the draft of the new Code has been under study for some years, the Committee has considered it desirable that section 4601-A of the Labour Practices Act should be repealed as soon as possible.

The Committee hopes that the new Code, which has been under consideration for many years, will be promulgated very shortly and that it will take into account the comments of the Committee, so as to bring the legislation into conformity with the requirements of the Convention.¹

Malta (ratification: 1965)

With reference to its previous comments, the Committee notes the information communicated by the Government in 1979 to the Conference Committee and in its reports, and the comments made by the Confederation of Trade Unions. These comments relate to the functioning of the joint bargaining council for the public sector and to other questions. A case concerning problems of the same nature is at present before the Committee on Freedom of Association; the Committee considers it appropriate to suspend the examination of the questions raised until the adoption of conclusions by the Freedom of Association Committee.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

The Committee is making a direct request to the Government on other questions.

Mauritania (ratification: 1961)

With reference to its earlier comments, the Committee notes the information provided by the Government. It takes note with interest of the text of the draft decree drawn up to given effect to these comments, which related to various provisions of the Labour Code (section 1 of Book III, prohibiting the setting up of more than one union in any trade or occupation and similar trades or occupations; sections 40 and 48 of Book IV, under which a strike or lock-out can be prohibited by submitting the collective dispute to an arbitration procedure).

The Committee hopes that the draft decree will be adopted in the near future and requests the Government to provide information on any progress in this connection.

See also under General Observations.

Netherlands (ratification: 1950)

The Committee notes the reports of the Government and the observations made by the Confederation of the Netherlands Trade Union Movement. These observations relate to various measures taken in 1979 restricting the rights of trade unions in respect of collective bargaining on wages for certain classes of workers. The Government explains that the sectors in question are directly or indirectly financed by public funds and that during the preliminary discussions the partners in the sectors concerned accepted the principle of restrictions, but that their application was delayed on account of collective agreements that were still in force. In the face of the social and economic situation, the Government, under its policy against inflation and unemployment, has been compelled to propose to the legislative bodies the measures in question, which are of limited duration.

The Committee also notes the additional information submitted by the Confederation of the Trade Union Movement on measures taken in January 1980 to suspend bargaining on wages for a period of two months.

The Government, to which a copy of these observations has been forwarded, has stated that it is studying carefully the additional information provided by the Confederation of the Netherlands Trade Union Movement; however, its detailed reply could not be provided before the present session of the Committee.

The Committee wishes, nevertheless, to point out that, under Article 3, paragraph 1, of the Convention, workers' and employers' organisations have the right to organise their activities and that collective bargaining is an important aspect of the activities of these organisations for the defence of their members' interests. The Committee also considers that restrictions placed on collective bargaining (particularly in respect of the fixing of wage rates under a policy of economic stabilisation) should be imposed only exceptionally, only so far as they are indispensable and only for a reasonable period (see Freedom of Association and Collective Bargaining, General Survey, 1973, para. 169).

The Committee requests the Government to provide information on developments in this connection.

Nicaragua (ratification: 1967)

The Committee wishes to refer to the comments it has been making on the application of Conventions Nos. 87 and 98, which relate to the following points:

- trade union rights of persons excluded from the scope of the Labour Code, that is, public officials, those working in family workshops, self-employed workers in the urban and rural sectors (sections 2, 3, 9 and 175 of the Labour Code);
- the excessively high minimum number of members required to establish a trade union in an undertaking or a departmental trade union (section 8 of the Regulations on Trade Union Associations);
- in the case of refusal to register a trade union by the administrative authority (sections 13 and 46 of the Regulations), an appeal to the judicial authorities should be available and its effect ought to be suspensive;
- the legislative provisions under which only employed workers can hold trade union office (sections 23 and 24 of the Regulations), members of the executive committee cannot be elected for more than two successive terms (section 35) and members of this committee can be dismissed by administrative action, without appeal to the judicial authorities (sections 39 and 41), are not in conformity with Article 3 of the Convention;
- also in conflict with Article 3 of the Convention are certain provisions that call for the representation of the labour administration in constituent meetings and general meetings of trade unions (sections 10 and 31 of the Regulations), the presentation of registers and other documents to the authorities at any time (section 36), the allocation of certain percentages of union dues to specific objects (section 20), rules on the automatic loss of membership (section 23) and the general prohibition of political activity (section 204);
- the restrictions on the right to strike provided for in sections 225, 228 and 314 of the Code are not compatible with Articles 3, 8, paragraph 2, and 10 of the Convention;
- incompatible with the Convention are certain conditions and limitations imposed by the legislation (sections 43 and 62 of the Regulations) on the right to form federations and confederations;
- the number of trade union delegates to a federation congress is limited by section 52 of the Regulations;
- the right of federations to collective bargaining is not recognised in section 44 of the Regulations and the power of federations and confederations to intervene in collective disputes is limited (section 63).

The Committee hopes that the Government will give the necessary attention to the reforms called for in the labour legislation of the country, and that when the reforms are being drafted the above considerations will be taken into account. It requests the Government to be good enough to provide information on any changes in the matter.

The Committee also requests the Government to provide information on the following points: (a) the possibility of creating national trade unions; (b) the possibility for rural federations of joining urban confederations; (c) legislative provisions governing the right of association and freedom of expression.

Peru (ratification: 1960)

With reference to the discussions on the application of the Convention that were held in the Conference Committee in 1979, the Committee takes note with interest of the information provided by the Government in its last report. The new Political Constitution, which was approved and promulgated on 12 July 1979, contains provisions on freedom of association in conformity with the standards laid down in this Convention. The Committee also notes the statement by the Government that, as soon as the Constitution comes into force, that is to say when the constitutional Government is established, more detailed provisions concerning trade unions will be issued and that they will all be in conformity with the principles of the Convention.

In these circumstances, the Committee recalls that it has been making for many years comments on the following points:

- the right to organise in the public sector;
- the right to organise of the workers of charitable societies, hospitals and similar bodies;
- the right of workers to set up, should they consider it desirable, more than one union in the same undertaking;
- the right of workers to elect as trade union representatives persons who are not employed in the undertaking concerned;
- the possibility of amending the prohibition placed on trade unions from carrying on political activities through their institutions;
- the necessity of bringing sections 5 and 9 of Supreme Decree No. 009, under which unions may be established only for an undertaking or occupation, into conformity with the provisions of Article 2 of the Convention and with the practice announced by the Government under which industry unions may be established;
- the right of unions belonging to different branches of activity to form federations.

The Committee hopes that all these points will be taken into account when the more detailed trade union legislation referred to by the Government is adopted, so that this legislation may be in conformity with the provisions of the Convention.

Sweden (ratification: 1949)

In a letter dated 27 February 1980, the Swedish Dockers' Union submitted comments to the Office on the effect given by Sweden to Convention No. 87. A copy of these comments has been sent by the Dockers' Union to the Ministry of Labour. The Swedish Government in a communication of 25 March 1980 has indicated that in order to enable an evaluation of the differing statements made by the various organisations involved in the matter, the letter from the Swedish Dockers' Union is being sent to the organisations concerned for their comments. The Committee will therefore examine this matter at its next session in the light of any further observations received from the Government.

Syrian Arab Republic (ratification: 1960)

The Committee notes the information provided by the Government in its report. It observes that the Bill mentioned in its previous observation has not yet been adopted.

1. The Committee recalls that its comments on Legislative Decree No. 84 of 1968 (respecting trade union organisation) dealt with the following points: system of unified structure imposed by law (sections 2 and 7); various provisions (sections 25, 32, 35 and 44) limiting the trade union rights of foreigners and restricting the free administration and management of unions; sections 2 and 8, requiring a minimum of 50 workers for the establishment of a trade union organisation; sections 32 and 36, concerning the deposit and compulsory allotment of trade union funds; section 49(c), under which the General Federation may dissolve the executive council of any union on various grounds.

The Committee hopes that the Bill mentioned by the Government will be adopted in the very near future and that the new provisions will be in conformity with the Convention. It requests the Government to supply information on any developments in this connection.

2. Some of the points raised above have also been raised by the Committee in connection with Legislative Decree No. 250 respecting craftsmen and small employers. They include section 2 (only one system for setting up associations); section 6(a) (4), (b) and (c), which governs the income of associations; section 12, which lays down the manner of financing federations.

The Committee requests the Government to indicate what measures it intends to take to bring these various provisions into conformity with the Convention.

3. The Committee has also referred to the prohibition of strikes laid down by section 160 of the Agricultural Labour Code and arising from section 19 of the Economic Criminal Code. The Committee observes from the report of the Government that a new draft has been prepared on this point under which both the interests of the workers and national production can be guaranteed. The Committee hopes that the draft in question will be adopted very shortly and requests the Government to provide information on any development in this connection.

4. The Committee takes note with interest of the statement by the Government that agricultural workers have the right to join trade unions, whether they are members of a co-operative or not, by virtue of Act No. 21 on peasant organisations. It asks the Government to supply information on the nature and role of the peasant co-operative associations which can be set up by agricultural workers, by peasants working the land only with the help of members of their family and by land owners whose holdings do not exceed a prescribed area.

5. The Committee also notes with interest that the employees of the State have the right to join a trade union (under Legislative Decree No. 140 of 14 September 1968 in particular).

Trinidad and Tobago (ratification: 1963)

With reference to its previous comments, the Committee notes the information supplied by the Government in its report and that presented to the Conference Committee in 1979 concerning the amendment of certain

legal provisions (section 24 of the Civil Service Act, section 72 of the Education Act, sections 27 and 28 of the Fire Service Act and section 26 of the Prison Service Act) with a view to bringing the legislation into conformity with the Convention.

The Committee notes that the team of government officials appointed by the Cabinet have continued discussions with the Labour Congress on the amending of the legislation referred to above and that firm proposals aimed at achieving conformity have been agreed upon at the committee level and are receiving active consideration by the Government's law officers.

The Committee trusts that the Government will be able to adopt the amendments in the near future. It requests the Government to continue to supply information on developments in the situation and, in particular, information on the adoption of the amendments.

Uruguay (ratification: 1954)

Following the discussion on the application of this Convention that took place in the Conference Committee in 1979, the Committee notes the information provided by the Government on that occasion and in its last report. The Committee has also examined the reports presented by the Committee on Freedom of Association on the case relating to Uruguay (No. 763).

The Government has provided the text of the Bill on occupational associations that was submitted to the Council of State in December 1979. The Committee notes with interest that the provision of the draft Bill that it examined in 1979 prohibiting all reference to politics in the rules of the organisations has been amended. Under the Bill (section 15), only acts of a preponderantly political character are prohibited. Nevertheless, the Committee considers that the conformity of this provision with the guarantees laid down in the Convention will depend on the effect given to it in practice and recalls that, in view of the difficulty in precisely differentiating between political questions and social and economic problems, it considers that a provision of this kind can lend itself to abuse.

The Committee regrets to note, however, that the other provisions of the draft Bill on which it has commented have not been amended significantly. These provisions relate in particular to the obligation placed on trade union leaders to make a declaration of democratic faith or to have worked for at least two years in the branch of activity represented by the union, the obligation placed on first-degree unions to organise themselves at the level of the undertaking, the detailed regulation of several questions relating to the internal administration of trade unions (compulsory voting during elections and referendums; submission of reports whenever required by the authorities; maximum duration of trade union assemblies; liability, with some exceptions laid down in the Bill, of lower-degree unions for decisions of the higher-degree organisations they are affiliated to; formalities to complete with the Ministry of Labour in connection with elections and referendums).

The Committee also notes that the Ministry of Labour and Social Security is at present examining a draft Bill on the exercise of the right to strike.

The Committee earnestly hopes that the definitive version of the Act will be in conformity with the rights laid down by the Convention, including the principle that the public authorities shall refrain from

any interference that would restrict the right of the organisations to draw up their constitutions, elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes (Article 3 of the Convention). The Committee requests the Government to provide information on any measure adopted to this end.¹

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In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Lesotho, Madagascar, Seychelles, Spain, Swaziland, Trinidad and Tobago, Yemen.

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1952)

With reference to its previous observation, the Committee notes that the report of the Government contains no information on the setting up of committees including representatives of employers and workers that are to be consulted on the organisation, the operation and the policy of the employment service. It trusts that measures will be adopted shortly in accordance with the provisions of the Convention, to establish one or more national advisory committees and, where necessary, regional and local committees, on which the representatives of employers and workers shall be appointed in equal numbers after consultation with their representative organisations.

Costa Rica (ratification: 1967)

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

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 to function 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 will be appointed to advise

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

on the operation of the employment service as required by these Articles of the Convention.¹

Dominican Republic (ratification: 1953)

The Committee has taken note of the information provided by the Government. It has observed, in particular, that a restructuring of the employment service is being planned for 1980 with the aim of enhancing its efficiency in the performance of the tasks entrusted to it. The Committee hopes that the next report will give detailed information on that restructuring and on its practical effects on the application of the Convention.

The Committee also asks the Government to indicate whether the steps to create, in accordance with Articles 4 and 5 of the Convention, an Advisory Committee for the employment service, which had been announced in the 1979 report, have already been taken and, if so, give particulars of the composition and powers of the said Committee.

Guatemala (ratification: 1961)

Article 3 of the Convention. With reference to its earlier comments, the Committee notes from the report of the Government that regional employment offices have the same geographical scope as the regional offices of the Labour Inspection Service and cover the whole territory of the Republic. It also notes that offices of this kind are set up to meet specific needs. It requests the Government to provide relevant information if other offices should be set up to meet new needs.

Articles 4 and 5. With reference to the reorganisation by the Employment Service of its advisory committee in accordance with the comments of the Committee, the Government states that the necessary measures are being taken at present and that the Office will be informed in due course. The Committee trusts that the next report of the Government will contain full information on these measures so that it may assess the way in which effect is given to the provisions of these Articles.

Articles 6 (b), (c), (d) and (e), 7, 8, 10 and 11. With the exception of the information supplied by the Government under Article 6(a), it is impossible to see whether these Articles are applied. The Committee once more requests the Government, in its next report, to provide detailed information in this connection.

Malta (ratification: 1965)

The Committee takes note of the report of the Government covering the period 1978 to 1979 and of the information supplied to the Conference in 1979.

Articles 1 and 6(a) of the Convention. The Committee notes the statement by the Minister of Labour, Culture and Welfare to Parliament on 7 August 1979 to the effect that steps were to be taken to adopt a plan enabling Maltese migrants to return to the country in an organised way that would cause harm neither to themselves nor to the nation. The

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Committee hopes that these steps will soon be taken, that Maltese migrant workers, who have been forbidden to register with the National Employment Service since 1 May 1977, will shortly be able to register to find employment, as laid down by Article 6, and that the employment service will thus be able to fulfil its essential task as defined in Article 1.

Tanzania (Tanganyika) (ratification: 1962)

The Committee takes note of the information supplied in the report of the Government and to the Conference in 1979.

Articles 6, 7, 10 and 11. The Committee notes that the Bill respecting the national employment service mentioned by the Government in its report for 1970-71 has not yet been adopted. In these circumstances, it can only reiterate its previous observations and again request the Government to provide details of the way in which effect is given at present to these Articles of the Convention and at the same time to send a copy of the regulations now governing the employment service.

Article 8. The Committee notes that a national vocational guidance system is being established and requests the Government to indicate the special arrangements it is intended to make for juveniles under this system.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Argentina, Bahamas, Central African Republic, Colombia, Costa Rica, Ecuador, Ethiopia, Malaysia, Romania.

Information supplied by Iraq and Kenya 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. The Committee refers to its earlier comments, in which it has pointed out that suspensions of the prohibition of night work allowed for the general needs of production are not compatible with this Article of the Convention. It has noted, however, that following comments made by the Greek Confederation of Labour the Ministry of Employment has 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. The Committee notes from the information in the report of the Government that the number of authorisations granted in 1977 and 1978 was slightly lower than that of the previous period, but again expresses the hope that the Government will continue its efforts in this direction and satisfy itself that the suspension of the prohibition of night work for women is authorised only in the cases of serious emergency covered by this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bolivia, Dominican Republic.

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

Greece (ratification: 1962)

The Committee refers to its earlier comments, in which it has pointed out that the legislation in force is not in conformity with certain provisions of the Convention (the exclusion of transport undertakings from the scope of the legislation; the definition of the night period conflicting with that of 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). It notes from the report that the Bill to bring the legislation into conformity with the provisions of the Convention may be adopted shortly. The Government is requested to report any progress made.

Guinea (ratification: 1966)

The Committee notes with regret that for the third consecutive year 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 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. The Committee repeats its hope that this draft will be adopted in the near future.

Mexico (ratification: 1956)

Article 2 of the Convention. The Committee refers to its earlier comments, in which it has pointed out that section 60 of the Federal Labour Act of 1970 fixing at 10 hours the night period during which the work of persons under 18 years of age is prohibited is not in conformity with this Article of the Convention, which fixes this period at 12 hours. The Committee notes from the report of the Government that draft legislation to bring the legislation into conformity with the Convention on this point was to be submitted to the Chambers in 1979. It again expresses the hope that the text will be adopted shortly and requests the Government to report any progress made.

Peru (ratification: 1962)

Article 2, paragraph 1, of the Convention. See under Convention No. 79, Article 3, paragraph 1.

Philippines (ratification: 1953)

Article 2, paragraphs 1 and 3, of the Convention. In its previous observation, the Committee pointed out that the Regulations promulgated by Policy Instruction No. 23 of 30 May 1977, which prohibit the night work of young persons between 10 o'clock in the evening and 6 o'clock in the morning, were not in conformity with the provisions of the Convention, under which the prohibition must cover a period of at least 12 consecutive hours. The Committee notes from the report that studies are now being undertaken with a view to amending the provisions in question in an appropriate way. The Committee hopes that the amendments will be adopted shortly and requests the Government to provide information in this connection.

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

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

Convention No. 92: Accommodation of Crews (Revised), 1949Panama (ratification: 1970)

Referring to its earlier comments, the Committee again expresses the hope that the Government will shortly take the necessary measures to give effect to the Convention, possibly by availing itself of the technical co-operation of the ILO, as it expressed its intention of doing in an earlier report.

Article 3, paragraph 2(d), and Article 5 of the Convention. With regard to the system of inspection for supervising the application of the relevant provisions, see also the direct request under Convention No. 53, Article 5.¹

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

Convention No. 94: Labour Clauses (Public Contracts), 1949Burundi (ratification: 1963)

The Committee notes that the draft decree intended to apply the Convention is still under preparation with the aid of an ILO expert. It hopes that the Government will soon be able to indicate that this decree has been adopted, and that it gives full effect to the Convention.¹

¹ The Government is asked to report in detail for the period ending 30 June 1980.

United Republic of Cameroon (ratification: 1962)

The Committee notes that the amendments to the legislation necessary to provide for the application of Article 1, paragraph 1(c) (ii) and (iii), have not yet been made, though the Government has been promising to make them since 1971. The Committee hopes that in its next report the Government will be able to indicate that the necessary measures have been taken to apply the Convention to the types of public contracts covered by these provisions.

Guinea (ratification: 1966)

The Committee notes with regret that once again 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.

Mauritania (ratification: 1963)

See General Observation.

Rwanda (ratification: 1962)

The Committee notes with interest that regulations and a standard contract for tenders, which should conform to the requirements of the Convention, have been drawn up. The Committee recalls that it has requested such measures since 1964, and hopes that the Government will be able to indicate in its next report that they have been adopted.¹

Turkey (ratification: 1961)

The Committee notes that the Government has again referred to draft legislation intended to apply this Convention. It recalls that measures to apply the Convention have been requested for many years, and notes the discussions which took place on this matter in the Conference Committee in 1979. Finally, the Committee recalls that in its direct request of 1979 it asked the Government to indicate what measures had been taken to apply Articles 1(3), 2(1), (2) and (3) and 5(2) of the Convention, which were not covered by the draft legislation communicated last year.

The Committee hopes the Government will be able to indicate in the very near future that measures have been taken to apply the Convention and that they include provisions for the application of the above-mentioned Articles.²

¹ The Government is asked to report in detail for the period ending 30 June 1980.

² The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

Uruguay (ratification: 1954)

The Committee notes that the Government has stated that national legislation is in conformity with the Convention, in spite of the repeated comments the Committee has made.

The Government has expressed the view that the object of the Convention is simply to ensure that public contracts comply strictly with the provisions of labour law designed to protect the worker. The Committee would point out, however, that the basic objective of the Convention, as stated in Article 2, is not that the wages and other conditions of work accorded to workers under public contracts be in accord with the legal minimum wages established; it is that the workers be paid the wages actually paid for that kind of work. Unless the system of establishing minimum wages provides that these wages are also the maximum that may be paid - which the Committee does not understand to be the case in Uruguay - the workers in any occupation normally receive an "established" wage higher than the legal minimum (whether established by collective agreement, arbitration award or practice). The Convention requires the insertion in public contracts of clauses ensuring that the wage which should be paid is the "established" wage, not merely the minimum wage if that is lower. Nor is this clause superfluous even if a similar provision is included in the legislation, since its inclusion in the contracts provides a contractual basis in addition to the legislative basis for remedying any violation of the principle.

In relation to Article 1(1)(c)(i) of the Convention, the Government stated in its 1967 report that wages under public contracts for public works were fixed by the wages boards and by collective agreements, which the Committee understood at that time to mean that every worker under these contracts was paid the same wage as every other worker doing similar work. Please indicate the position in this respect today.

With regard to Article 1(1)(c)(ii) and (iii), the Committee hopes the Government will be able to indicate in the very near future that measures have been taken to apply the Convention to the kinds of public contracts covered by these provisions, in conformity with the explanations given above.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bahamas, Central African Republic, Ghana, Morocco, Somalia, Zaire.

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957)

The Committee refers to its previous observation in which it noted the Government's statement that the enactment of new labour laws and regulations was receiving serious consideration, with a view

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

to giving effect to all ratified Conventions. 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 which was to ensure legislative conformity with Convention No. 95. It accordingly hopes that the draft text will be taken into consideration in the preparation of the legislation now being envisaged and that appropriate provisions will soon be adopted to ensure the full application of the Convention.

Algeria (ratification: 1962)

With reference to its previous comments, the Committee notes with satisfaction that Law No. 78-12 of 1978 on the general status of the worker, more particularly its sections 62 and 141, contains provisions to ensure a better application of Article 8, paragraph 1, and Article 9 of the Convention.

Costa Rica (ratification: 1960)

The Committee recalls that following direct contacts in 1977 between the national services concerned and a representative of the Director-General of the ILO a draft decree was drawn up which would ensure better application of the Convention. It notes that on the occasion of a subsequent visit in December 1979, it was indicated to the representative of the Director-General that steps would be taken for the rapid adoption of the decree.

In comments first addressed to the Government in 1964, the Committee has called for measures (a) to revise section 165 of the Labour Code which provides that harvest workers on coffee plantations may be paid in tokens and not in legal tender (Article 3 of the Convention); (b) to ensure that wage payments in the form of noxious drugs or of liquor of high alcoholic content are prohibited (Article 4(1)); and (c) to ensure that the value attributed to payments in kind is fair and reasonable (Article 4(2)(b)).

The Committee once again hopes that the necessary steps will be taken to ensure the application of these provisions of the Convention.¹

Guatemala (ratification: 1952)

The Committee recalls that in its comments made since 1959, attention has been drawn to the need to regulate the conditions and extent of deductions from wages in conformity with Article 8, paragraph 1, of the Convention, and to prohibit, as required by Article 9, deductions made for direct or indirect payment by a worker not only to an employer but to his representative or any intermediary (such as a labour contractor or recruiter) for the purpose of obtaining or retaining employment. In response to these comments, the Government has on several occasions indicated its intention of adopting new legislation to ensure fuller conformity with these provisions of the Convention.

The Committee further recalls that in 1975 a draft decree was prepared on the occasion of direct contacts between the national services concerned and a representative of the Director-General of the

¹ The Government is asked to report in detail for the period ending 30 June 1980.

ILO. It notes, from information supplied by the Government, that the proposed decree was submitted to Congress in May 1979, for consideration in conjunction with a proposed new labour code.

The Committee's attention has also been called to allegations submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group on Slavery at its fourth session in 1978 (report of the Working Group, document ECN.4/Sub.2/410), and which concern abuses in the recruiting of workers involving, more particularly, terms of repayment of advances on wages and other debts incurred by the workers, and an absence of effective labour inspection in the rural areas concerned.

The Committee trusts accordingly that necessary legislative provisions will be adopted to give full effect to Articles 8 and 9 of the Convention and that, in accordance with Article 15 of the Convention, adequate penalties will be prescribed for violation thereof.

The Committee further hopes that in future reports the Government will provide full information on measures taken to ensure the observance in practice of the legislation giving effect to the Convention (such as extracts of labour inspection reports, giving the number and nature of contraventions reported, as requested under Point V of the report form).¹

Libyan Arab Jamahiriya (ratification: 1962)

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

Article 2 of the Convention. The Committee recalls that the legislation concerning the protection of wages does not apply to agricultural workers. It notes that, in reply to previous requests on the subject, the Government indicates once again that the draft law extending the application of the relevant provisions to agricultural workers is still under consideration. As this question has been pending for a number of years, the Committee hopes that the Government will take early steps to ensure that agricultural workers are adequately covered, as required by the Convention.

Turkey (ratification: 1961)

Articles 2 and 13 of the Convention. Following the discussions on the application of this Convention, which took place in the Conference Committee in 1979, the Committee notes the statement in the Government's report that the proposed new Agricultural Labour Act, which is to extend wage protection to workers in agriculture, has been submitted to Parliament on 21 September 1979. The Government further states that the amendments to Labour Act No. 1475, to regulate the time and place of payment of wages, have been completed and the new bill is expected to be submitted to Parliament at the earliest possible date. The Committee recalls that amendments to the Labour Act, according to information supplied previously by the Government, were also to extend

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

wage protection to workers in small trade and handicraft occupations. As the Government has on numerous occasions indicated its intention of adopting legislation on the above matters which have been the subject of comments since 1964, the Committee can only express the hope that the appropriate provisions will be adopted in the very near future and will give full effect to these Articles of the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Dominican Republic, Libyan Arab Jamahiriya, Nicaragua, Nigeria, Somalia, Swaziland, Zaire.

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

Guatemala (ratification: 1953)

With reference to its previous observations, the Committee notes that the draft decree embodying regulations to implement the Convention, which had been prepared on the occasion of the direct contacts in November 1975 between the competent national authorities and a representative of the Director-General of the ILO, has not yet been approved. This draft decree takes into account its earlier comments relating to the complete abolition of the system of engaging workers through middlemen or recruiting agents, as required by Articles 3, 4 and 8 of the Convention. The Committee also notes that the Government informed the representative of the Director-General, in December 1979, that the above-mentioned draft decree would be approved in the near future. The Committee trusts that this draft will be adopted speedily and requests the Government to inform it of any measures taken to this end.²

Pakistan (ratification: 1952)

1. The Committee notes with satisfaction that the Immigration Ordinance (No. XVIII) and Rules, 1979, lay down the principle that overseas employment promoters must have an annual licence issued by the competent authority, and that they may only charge the fees and expenses approved by this authority, in conformity with Article 5 of the Convention.

2. Further to its previous observation, the Committee also notes, with reference to the bringing into force of the Fee-Charging Employment Agencies (Regulation) Act, 1976, that the Government is at present examining a report of a committee consisting of representatives of the four provincial governments, which was established for this purpose. It hopes that following this examination the Government will take the steps necessary to give effect to the Act in the near future.

¹ The Government is asked to supply full particulars to the Conference at its 66th Session and to report in detail for the period ending 30 June 1980.

² The Government is asked to report in detail for the period ending 30 June 1980.

Syrian Arab Republic (ratification: 1957)

The Committee notes from the report of the Government that the Bill to bring the national legislation into conformity with the Convention, to which the Government has been referring since 1970, has still not been promulgated. The Committee hopes that it will be promulgated in the near future and that: (a) it will repeal sections 18 and 22 of the Labour Code (Act No. 91 of 1959), which authorise the setting up of private employment agencies and the use of manpower recruiting agents, or that it will regulate these activities in accordance with Articles 5 or 6 and 8 of the Convention; (b) it will contain provisions regulating the placement of domestic staff in accordance with the Convention, either by extending the scope of Chapter III of the Labour Code to this class of workers or by making the fee-charging employment agencies for these workers subject to regulations in accordance with Articles 5 or 6 and 8 of the Convention.¹

Turkey (ratification: 1952)

With reference to its direct request, the Committee notes with satisfaction the adoption, under section 12 of Decree No. 7/1527 of 31 March 1978, of the Regulations respecting the supervision of employment intermediaries in agriculture.

Uruguay (ratification: 1976)

The Committee notes with satisfaction the adoption by the Government of Decree No. 384/979 of 4 July 1979 respecting the operation of private employment agencies, the purpose of which is to give full effect to the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Belgium, Egypt, Finland, France, Pakistan, Panama, Sweden, Uruguay.

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

Convention No. 98: Right to Organise and Collective Bargaining, 1949Argentina (ratification: 1956)

The Committee notes the information communicated by the Government in 1979 to the Conference Committee and in its last report. It also notes the 201st Report of the Committee on Freedom of Association concerning Argentina which relates in particular to the new Act on Occupational Associations No. 22105, promulgated in November 1979.

¹ The Government is asked to report in detail for the period ending 30 June 1980.

The Committee notes with interest that the new Act provides a broad protection against acts of anti-union discrimination and interference, in conformity with the standards provided for in Articles 1 and 2 of the Convention.

As regards collective bargaining, the Committee notes that according to the new Act, workers have the right to negotiate collectively through their associations which are empowered for the purpose (section 48(d)), that is, federations (section 37) or associations having trade union status if they do not belong to a federation (section 36(b)).

The Committee considers in this respect that the broadest development and utilisation of voluntary negotiation procedures for collective bargaining (Article 4 of the Convention) implies that the most representative trade union organisations, including first degree unions even if they are affiliated to a federation, must have the right, through the means of collective agreements, to seek to improve the working and living conditions of their members.

More generally, the Committee notes that the Government's action regarding wage increases and the application of "wage flexibility" has allowed great progress. In addition, Decree No. 2337/79 of September 1979 permits employers to grant to workers the increases which they consider to be compatible to their economic and financial situation, provided that 50 per cent of these increases correspond to an increase in production or productivity.

While noting the information supplied by the Government, the Committee once again expresses the hope that the Government will rapidly take the necessary measures to fully re-establish the right of workers' organisations, both in law and in practice, to bargain collectively with employers and their organisations. It requests the Government to supply information on developments in the situation.

Chad (ratification: 1960)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee regrets to note that once again the Government has supplied no report on the application of this Convention. It is thus bound to repeat its previous observation, which was worded as follows:

In its previous observation, the Committee noted that sections 121 and 122 of the Labour Code require prior approval for the entry into force of collective agreements. The Committee pointed out that such provisions may constitute obstacles to the development and promotion of free collective bargaining.

The Committee trusts that a report will be supplied for examination at its next session and that it will contain information concerning any refusals to approve collective agreements and the reasons for and the frequency of these refusals.

Costa Rica (ratification: 1960)

The Committee notes the observations communicated by the Government to the Conference Committee at its 1979 Session on the comments addressed to the ILO by the General Confederation of Labour. It also notes the report of the Government.

The comments of the General Confederation of Labour related to protection against acts of anti-union discrimination. The Committee

notes that the Committee on Freedom of Association has examined the questions concerning anti-union discrimination in its recent cases relating to Costa Rica. The Committee is bound to point out that for many years it has been making comments on this subject and on protection against acts of interference by employers in workers' organisations. It again urges the Government to adopt measures to guarantee both forms of protection.

Greece (ratification: 1962)

See under Convention No. 87.

Guatemala (ratification: 1952)

See under Convention No. 87 in respect of workers in state service whose duties are not directly linked to the administration of the State.

Japan (ratification: 1953)

The Committee notes the information supplied by the Government to the Conference Committee in 1979, the observations addressed by the General Council of Trade Unions of Japan (SOHYO) and the reply of the Government as well as its complementary report received during the Committee's session.

The Committee takes note, in particular, of the Communication Rule. This agreement, signed on 27 December 1979, between the Ministry of Posts and Telecommunications and the Postal Workers' Union came into force on 1 February 1980 for an unspecified duration. It governs the forms and procedures of collective bargaining in post offices, at the various levels, and also regulates certain consultation systems.

The Committee also notes that certain questions, such as the action to be taken on negotiations that have been unsuccessful, are still under study. The Committee requests the Government to keep it informed, in its reports, on the development of collective bargaining in the public sector.

Liberia (ratification: 1962)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee notes the information communicated by the Government in its report.

The Committee notes that according to the Government's statement, the draft Act (Part I, Chapter I) will allow the application of provisions on collective bargaining (Part V, Chapter 23) to employees in public undertakings or institutions who are not performing functions in the administration of the State. In this regard the Committee recalls that the right to collective bargaining must also be guaranteed to all other persons employed by the Government and not acting as agents of a public authority.

The Committee notes with interest the Government's statement that the draft Act will protect workers against anti-trade union discrimination by virtue of Part II, Chapter 5, in conformity with Article 1(2) (a) of the Convention.

The Committee recalls that its comments also related to Article 1(2)(b) of the Convention which provide for protection against acts of discrimination during the working relationship.

The Committee hopes that the new Labour Code, which has been under study for many years, will take account of the Committee's comments, and that it will be adopted in the near future.

Libyan Arab Jamahiriya (ratification: 1962)

The Committee notes again that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request which read as follows:

1. The Committee notes with regret that, according to the report, section 24 of the Workers' Unions Act (No. 107 of 1975), which replaces section 171 of the Labour Code to which the Committee's earlier comments referred, has not extended the protection against anti-union discrimination to workers at the recruitment stage (Article 1, paragraph 2(a), of the Convention). The Committee takes note of the Government's statement that this point will be examined when consideration is given to amending the new Act. It expresses the hope that this question will be re-examined in the near future.

2. The Committee has also noted that a new law, the Civil Service Act (No. 55 of 1976) applies to all employees of Government services. It requests the Government to specify whether this Act contains provisions giving effect to the Convention, and in particular whether it contains provisions against anti-union discrimination and on collective bargaining rights for categories of officials who are not agents of the State, such as post office clerks, office workers in the decentralised services and teachers.

3. As regards the group excluded from the coverage of the Labour Code (such as seamen and agricultural workers), the Committee notes that the Government will take the Committee's comments into consideration. It requests the Government to send a copy of the regulations which indicate the categories of workers to which the Labour Code applies.

4. The Committee also pointed out that sections 63, 64, 65 and 67 of the Labour Code, concerning the validity requirements for collective agreements, were not in conformity with Article 4 of the Convention. It trusts that the Government will take steps to give full effect to Article 4 of the Convention.

The Committee requests the Government to send a copy of Act No. 107 of 1975 and of Act No. 55 of 1976.

Nicaragua (ratification: 1967)

See under Convention No. 87.

Peru (ratification: 1960)

With reference to its previous observation, the Committee takes note with interest of the information provided by the Government in its last report, to the effect that the new Political Constitution has been

approved and promulgated and that section 54 establishes that collective labour agreements between workers and employers have force of law for the parties, that the State guarantees the right to collective bargaining, that the law indicates the procedures for the peaceful settlement of labour disputes and that intervention by the State takes place and is final only in the absence of agreement between the parties. The Committee also notes the statement by the Government that when the Constitution comes into force consideration is to be given to provisions that conform to those of this Convention.

In these circumstances, the Committee recalls that it has pointed out in earlier comments that under section 13 of Legislative Decree of No. 21866 of 7 June 1977, as amended by Legislative Decree No. 21899 of 2 August 1977, the only matter that collective agreements, administrative labour decisions and arbitration awards can determine is a general increase in remuneration in conformity with the economic and financial assessment of the undertaking, and that this provision, which appears to exclude from collective bargaining questions concerning conditions of employment, is a measure unfavourable to the development and utilisation of machinery for collective bargaining between employers and workers' organisations with a view to the regulation of terms and conditions of employment (Article 4 of the Convention).

The Committee expresses the hope that its comments will be taken into account when the future provisions referred to by the Government are under consideration, so that these provisions will be in harmony with those of the Convention.

Tanzania (ratification: 1962)

The Committee takes note of the information supplied by the Government to the Conference Committee in 1979 and in its reports.

In its earlier comments, the Committee has referred to the approval of collective agreements by the Permanent Labour Tribunal, as provided in sections 16(b) and 23 of the Permanent Labour Tribunal Act of 1967.

The Committee notes that, between June 1975 and December 1977, 16 collective agreements were refused. In most cases, refusal was due to the incomplete character of the agreements in question. The Government states that in these cases, the agreements were registered after completion.

The Committee points out that in one case the grounds for refusal were an increase in wage rates without the permission of the Tribunal. It also notes the statement made by the Government that one of the main functions of the Government consists in ensuring that collective agreements do not conflict with the wage policy of the Government. The Committee further observes the statement that the Government has taken note of its comments. The Committee, however, can only repeat its earlier comments; in particular, it considers that, as a general rule, it is not compatible with Article 4 of the Convention to require prior approval of a collective agreement or to permit it to be declared null and void because it conflicts with the economic policy of the Government. The Committee hopes that the necessary measures will be taken by the Government to guarantee the right to free collective bargaining, in accordance with Article 4 of the Convention. It requests the Government to report any development in this connection.

Turkey (ratification: 1952)

The Committee notes the information provided by the Government in its report.

For several years, the Committee has been making comments on the rights of certain workers in the public sector who are covered by the Convention.

The Committee notes the statement of the Government that workers in the public sector in general have the same rights as those in the private sector; they form trade unions and conclude collective agreements. The Government states that section 119 of the Constitution prohibits membership of trade unions exclusively for civil servants and the staff of the central organs of management and supervision in state economic undertakings or public utility establishments. The Government states that this last group of staff is composed of administrators rather than workers.

The Committee considers that the exclusion from the scope of the Convention of persons employed by the State or in the public sector who do not act as agents of the public service - even when they have the same status as "public servants engaged in the administration of the State" (Article 6 of the Convention) - is contrary to the meaning of the Convention. The Committee considers that those holding managerial and supervisory posts in state economic undertakings and public utility establishments should not be regarded as public servants whose activities come under the administration of the State and that they should therefore benefit by the guarantees laid down in the Convention.

The Committee observes that this group of staff is covered by no law in this respect and it points out that the Government has several times referred in earlier reports to a Bill to replace Act No. 624, now repealed, which was to govern this group of staff.

The Committee requests the Government to indicate how it intends to ensure for the staff in question the rights and guarantees laid down by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Democratic Yemen, Jordan, Lesotho, Papua New Guinea, Spain, Swaziland, Trinidad and Tobago, Yemen, Zaire.

Information supplied by the United Republic of Cameroon 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: Guinea, Malawi.

Convention No. 100: Equal Remuneration, 1951**Argentina** (ratification: 1956)

The Committee notes from the information supplied by the Government that there remain in force certain collective agreements (brought to the attention of the Government in earlier comments) providing for classes of employment and rates of wages differentiated in accordance with sex, for example collective agreement No. 25/75 in the building industry, or for equal wages for women if they carry out work that is normally carried out by men, in identical conditions, for example collective agreement No. 109/75 in the tobacco industry. The reference by the Government to the legal provisions on the prohibition of certain forms of work for women, intended to justify the validity of such contract provisions, does not appear to the Committee to be relevant to the above-mentioned cases. Generally speaking, moreover, the various provisions of a protective character that may be laid down by laws or collective agreements cannot be invoked to justify job classifications and wage scales established on the basis of sex rather than of the objective characteristics of the job. The underlying question in achieving equal remuneration is whether the workers (male or female) are carrying out "work of equal value" within the meaning of the Convention.

The Government is therefore requested to provide in its next report information on the measures adopted and the results obtained, for example in promoting the objective appraisal of jobs (Article 3 of the Convention), in order to ensure better conformity of the collective agreements with the Convention by virtue of the national legislation on contracts of employment, which prohibits all discrimination based on sex and guarantees the observance of the principle of equal remuneration for work of equal value in these agreements.

Austria (ratification: 1953)

The Committee notes with interest that the Government, following the suggestions made in its earlier comments, has undertaken research to disclose discrimination, whether direct or indirect, in collective agreements and that it will communicate the findings to the occupational organisations with recommendations for suitable action. The Committee also notes the intention of the Government, when it has the necessary machinery to carry out a comparative analysis of the demands of "heavy" and "light" work. The Committee would be grateful if the Government would supply information on the results of its efforts to encourage the parties to collective bargaining to eliminate all discrimination based on sex, whether directly or indirectly, in determining wage rates or in the distribution of workers between the various groups of jobs or functions.

The Committee also notes with interest that, since the arrival of the report of the Government a federal law on equality of treatment between men and women in respect of remuneration was adopted on 23 February 1979. It hopes that the adoption of this specific legislative measure will make it possible, while respecting the autonomy of the parties to collective agreements, to promote effectively the principle of equal remuneration, the practical application of which the Congress of Austrian Chambers of Labour, in its observations appended to the report of the Government, states to be beset with varied and persistent difficulties. The Committee would be grateful if the Government would provide information on the effect given to this legislation, and particularly on the activities of the new tripartite Equal Treatment Commission concerning cases of discrimination occurring in collective agreements.

Belgium (ratification: 1962)

Further to its previous comments concerning the desirability of standardising the rules applicable to workers in the public and private sectors, in view of the scope given to the principle of equal remuneration within the meaning of the Convention, the Committee notes with satisfaction that this aim has been reached with the adoption of the Law on Economic Reorientation of 4 August 1978, Title V of which is devoted to the application of the principle of equal treatment for men and women in respect of employment and conditions of work. It would be grateful, however, if the Government would provide information on the conditions governing the granting to men and women working in the public and semi-public sectors of certain benefits (accommodation or removal allowances or travel vouchers), connected with the concept of "head of household", in connection with which the Commission of the European Communities has considered that certain problems may still arise. (Please refer to the 1979 Report of the Commission to the Council on the Application as at 12 February 1978 of the Principle of Equal Pay for Men and Women, p. 133.) In the last hypothesis, the Government is requested to indicate the measures taken to ensure respect for the principle of equal remuneration in every element making up the remuneration, without discrimination based, even indirectly, on sex, as required by the above-mentioned 1978 Act.

The Committee also notes with interest the information provided in reply to its previous comments concerning the general examination of collective agreements undertaken by the Government with a view to detecting discriminatory provisions, whether overt or disguised, and informing the social partners. It notes in particular, from the first results known, that, although there are still a few cases of direct discrimination in the agreements in force (for example in the agreements concluded by the joint committees for the food industry, paper and cardboard manufacturing and the health services), the main difficulties in the application of the principle of equal remuneration are those connected with occupational classification and the appraisal of functions. In this connection the Committee notes the intentions and decisions of the Government concerning the continuance of investigations in these fields and the search for solutions, in co-operation with the occupational organisations. In view of the special interest attached by the Committee to such general examinations of collective agreements as well as to the promotion of an objective appraisal of jobs within the meaning of Article 3 of the Convention, it would be grateful if the Government would continue to provide information on developments and on any measures taken.

Canada (ratification: 1972)

With reference to its earlier comments on the definitions of the principle of equal remuneration contained in provincial and federal legislation, the Committee notes with satisfaction that the Canadian Human Rights Act, adopted on 14 July 1977, embodies the concept of equal remuneration for work of equal value, in conformity with the Convention.

The Committee also thanks the Government for the particularly substantial and well documented report supplied; it would be grateful if the Government would continue to provide information of this kind on the application of the provisions of the Convention and the promotion of the principle of equal remuneration, the full achievement of which seems still, from the data and estimations available, to call for continuing effort and progress. In particular, it would be grateful if the Government, in its next report, would provide information on the

effect given to the relevant provisions of the new federal legislation (section 11), with indications of the way in which it is interpreted and applied by the competent bodies; the Committee would be particularly interested to learn the way in which the equal value of work is established and the methods laid down for the practical assessment of "work of equal value" within the meaning of the Act. Lastly, hoping that the entry into force of the Canadian Human Rights Act will lead to an evolution of provincial legislation towards the broadening of the scope given to the principle of the Convention, the Committee would be grateful if the Government would provide information on any development occurring or under consideration in this connection.

Denmark (ratification: 1960)

With reference to its earlier comments concerning the definition of the principle of equal remuneration under the Act of 4 February 1976, the Committee notes the information provided by the Government to the effect that the scope given to this principle in practice corresponds to the notion of equal remuneration for "work of equal value" adopted by the Convention, owing to the broad interpretation of the notion of "same work", adopted by the social partners and by the Labour Court. It would be grateful if the Government would provide any relevant information (such as decisions of the Courts or other documents) to illustrate this point.

Finland (ratification: 1963)

The Committee notes with interest the information provided by the Government in reply to its earlier comments. This confirms in the first place the tendency to narrow the wage gap between the sexes among office workers in industry, which has been furthered by active policies for the improvement of low wages and by the search for greater objectivity in job classification systems. That great efforts must still be made to achieve the aim of the Convention, however, can be seen in the persistent disparities as measured by average wage statistics, and the Committee hopes that the next report of the Government will indicate further progress in the field, stating, in particular, whether measures have been taken or are under consideration to encourage undertakings to promote programmes or methods relating to the appraisal of jobs, within the meaning of Article 3 of the Convention.

Furthermore, among the information supplied on the activities of the Advisory Council for Equality, the Committee notes with interest that, during the period covered by the report, the Council gave its attention to the application of the Convention in the public sector (State and municipalities). The Committee would be grateful if the Government would provide more detailed information on the nature of the activities carried on and the results obtained, for it has already had occasion to stress the stimulating effects of measures taken in the public sector on the general policy in respect of equal remuneration.

France (ratification: 1953)

The Committee notes the report of the Government, particularly the information concerning the difficulty in evaluating the notion of "equal value" in work, the activities of the labour inspectorate (though their part in the application of the principle of equal remuneration is not indicated), the small number of appeals introduced on the basis of the Act on equal remuneration, and, lastly, the recognition of the large contribution that the social partners can bring to the progress that remains to be made.

It thus seems to the Committee that this information confirms on the whole the existence of the problems it has mentioned in its earlier comments as arising mainly in respect of the appraisal of jobs and the classification of posts, the supervision of the application of the relevant legislation or again co-operation with the trade union organisations. The Committee thus thinks it desirable to point out the importance of the measures contemplated by the Convention to facilitate the application of the principle of equal remuneration, in particular in Articles 3 and 4, whose purpose is to promote the objective appraisal of jobs on the basis of the work to be performed and co-operation with the employers' and workers' organisations to give effect to the provisions of the Convention. The Committee hopes that the Government in its next report will provide information on the general progress made in the application of the principle and in the supervision of this application and, more specifically, on any action undertaken or under consideration with a view to realising the aims set forth in the above-mentioned Articles 3 and 4.

In this connection, the Committee would be interested to know what action may have been taken on the proposals contained in the report of a working party set up on the initiative of the Minister of Labour and the Secretary of State for Women's Employment, on discrimination and discrepancies in the work of women, which was submitted to the Secretary of State on 16 October 1979. It would be particularly interested in the proposals concerning (i) the creation of a panel of experts attached to the Inspectorate of Labour, and (ii) the annual submission to works councils of a statement of male and female wages.

Lastly, the Committee would also be grateful if the Government would provide information on the existence of certain discrepancies (and on any measures taken to eliminate them) that exist, according to the Commission of the European Communities, in the semi-public sector because of the granting to male wage earners of complementary wage benefits connected with the concept of "head of household". (Please refer to the 1979 Report of the Commission to the Council on the application as at 12 February 1978 of the Principle of Equal Pay for Men and Women, p. 133.)

Federal Republic of Germany (ratification: 1956)

The Committee takes note of the information supplied by the Government on the developments that have taken place in the matter of determination of the remuneration of wage groups for "light work". It observes in particular that further research has been carried out and that further consultation has been organised with the employers' and workers' representatives, from which it seems clear that the social partners are determined to combine their efforts with a view to solving the problems at the level of collective agreements, and with due regard to the principle of the independence of the parties.

The Committee would be grateful if the Government would provide information on the results of these efforts undertaken by the occupational organisations, particularly in view of the report that it is to present in this connection to the Bundestag in 1980. The Committee hopes that it will be possible to report appreciable progress towards a more equitable and objective distribution of men and women, particularly in the lower wage groups.

Iceland (ratification: 1958)

The Committee notes the information supplied by the Government in response to its earlier comments concerning the scope given to the principle of equal remuneration, with respect, in particular, to measures taken to promote the objective appraisal of jobs, within the meaning of Article 3 of the Convention. Recalling its constant interest in the practical application of the Convention and referring to its previous observations, the Committee would be grateful if the Government, in its next report, would supply information on the above-mentioned questions and, more broadly, on the application of the relevant provisions of the Act of 31 May 1976 respecting the equality of men and women, with special reference to the various activities in this field of the Equality of Treatment Board that form part of the duties assigned to it by the above-mentioned Act.

India (ratification: 1958)

The Committee notes with interest the report of the Government and the information supplied in response to its earlier comments and, referring specially to those concerning the progressive application of the 1976 Equal Remuneration Act, it notes with satisfaction that since June 1978 the scope of the 1976 Act has covered all sectors of employment or activity. It would be grateful if the Government would continue to supply information on the application of the Act, indicating as far as possible the way in which it is interpreted and applied in the procedure for hearing complaints that has been set up by the Central Government and certain state governments.

Referring to its earlier comments concerning difficulties in applying the Convention in the plantations sector reported by various occupational organisations, the Committee also notes with satisfaction that suitable action has been taken by the Central Government and state governments to promote the application of the Act and that new collective agreements conforming to its provisions have recently come into force on several plantations. It hopes that information will continue to be supplied on the measures adopted in this sphere.

Indonesia (ratification: 1958)

The Committee notes the information supplied by the Government to the 63rd Session of the Conference and in its report on the application of the Convention. Since this information replies only partially to the questions raised in earlier comments, the Committee requests the Government in its next report to supply further detailed information on the points previously raised, namely:

- (i) the realisation of the project to prepare a catalogue of jobs, undertaken with the purpose of reducing wage discrepancies based on sex;
- (ii) the activities of the National Commission on the Status of Women, particularly in relation to the suggestions and recommendations it may make on the application of the principle of equal remuneration;
- (iii) the nature and findings of inspections carried out in undertakings to supervise the application of the principle.

Furthermore, the Committee notes that the ministerial Decision of 30 October 1975 to fix minimum wages for workers in private

undertakings in the province of Jambi makes a distinction between married and unmarried workers. Since the application of this criterion can often result indirectly in discrimination on grounds of sex, the Committee would be grateful if the Government would supply fuller information, indicating in particular whether the rates for married workers are applied without distinction to men and women and, more generally, whether this method of determining wages, which appears to run counter to the conclusions in favour of a "clean wage system" that were adopted in 1972 by the Committee on the Policy of Wage Fixing, continues to be applied in other regions or sectors.

Ireland (ratification: 1974)

With reference to its previous comments, the Committee notes with satisfaction that the differential salary scales based on marriage in teaching and certain posts in the public service have been eliminated. Moreover, the Committee notes with interest the full and detailed information supplied by the Government on the application of the Anti-Discrimination (Pay) Act 1974 and on the practical application of the Convention, observing in particular a movement towards a certain reduction in the average wage differentials between men and women and an awareness on the part of women workers of their right to equal remuneration due largely to the efforts of the Government in the field of information. The Committee hopes that the Government will continue to supply general information on any development occurring in the application of the 1974 Act, including information on the interpretation of the concept of equal remuneration for "work of equal value". In this connection the Committee notes with interest that in several recent cases in which the procedure has been set in motion, the authorities having to interpret the Act, have applied the principle of equivalence between work calling for dexterity, for a degree of qualification or for concentration and that calling for the carrying out of a physical effort.

Lastly, the Committee notes that the Government is not in a position to supply the information requested in order to assess the factual situation in respect of collective agreements, since these are neither registered nor indexed. Nevertheless, and although provisions exist in the 1974 Act to determine that discriminatory clauses in agreements are null and void, the Committee would be grateful if the Government would state whether it does not consider it desirable, like some other countries, to institute an examination of collective agreements, in co-operation with the occupational organisations, to bring to light any cases of discrimination that they might contain, including any of concealed discrimination.

Israel (ratification: 1965)

In examining the information communicated by the Government, the Committee takes special note of the ruling of 5 March 1978 of the National Labour Court, which relates to the first appeal introduced by a woman worker by virtue of the Male and Female Workers (Equal Pay) Law. In the case in question, which concerned the situation in one unit of a group of undertakings manufacturing food products and in connection with which the Committee in its earlier comments has pointed out difficulties in the application of the principle of the Convention through the collective agreement, the Committee notes with interest the interpretation by this court of the concept of "the same or substantially the same work" in the Law in question, as equivalent, in particular, to that of "work of equal value", as embodied in the Convention and clarified by the Committee in its General Survey of 1975 on the application of the Convention.

Regard being had to its earlier comments, the Committee expresses its satisfaction at this ruling, the effect of which is to declare illegal the fixing in collective agreements of wage scales based on sex, but it would be grateful if the Government would supplement the information already supplied on the continuance of the programme for the appraisal of jobs started in 1974 in the above-mentioned group, in order to establish wage scales based on the objective nature of the work. More generally, please state whether measures have been taken or are under consideration to promote the objective appraisal of jobs, within the meaning of Article 3 of the Convention, and so to facilitate the application of the principle of the Convention by the parties to a collective agreement.

Italy (ratification: 1956)

The Committee notes the information provided by the Government in reply to its previous request. It also notes with satisfaction the promulgation of the Act of 9 December 1977 respecting equality of treatment as between men and women in questions of employment, which requires among other things the same remuneration for services that are equal or of equal value and the adoption of common criteria for men and women in occupational classification systems. The Committee would be grateful if the Government would supply information on the application of these provisions, which consolidate those of the National Constitution within the meaning of the Convention, special reference being made to the annual reports that the Government is to submit to Parliament on the enforcement of the 1977 Act by virtue of its section 18.

Netherlands (ratification: 1971)

The Committee notes with interest the information of the Government concerning the application of the Act of 20 March 1975 on equal remuneration for male and female labour, and appreciates in particular the efforts to disseminate information and carry out research in undertakings intended to promote a better application of the Act. Observing, however, that there are still problems of lower remuneration for women for work of equal value and, even more, of over-representation of women workers in the lowest employment groups, the Committee would be grateful if the Government would continue to supply information on any changes in the situation.

Furthermore, the Committee notes the replies of the Government to the questions raised before in a direct request; it hopes that the next report will contain the further information awaited concerning the holding of a joint symposium on the problem of job classification and the adoption of the Bill prohibiting any discrimination on grounds of sex in matters of labour conditions, and in particular of remuneration, in respect of personnel in the public service, who are excluded from the scope of the 1975 Act.

Lastly, the Committee would be grateful if the Government would provide information on the existence of any discrepancies which seem to exist in a small number of collective agreements in respect of complementary wage benefits or of ranking on the wage scale in favour of young married male workers and young heads of household, according to the report of the Commission of the European Communities, which refers to the efforts of trade unions to eliminate these notions or at any rate to modify them by removing any reference, direct or indirect, to the sex of the worker. (Please refer to the 1979 Report of the Commission of the European Communities to the Council on the Application as at 12 February 1978 of the Principle of Equal Pay for Men and Women, p. 63.)

Norway (ratification: 1959)

With reference to its previous comments and its observation of 1979 on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee notes with satisfaction that the Act of 9 June 1978 relating to equal status between the sexes expressly establishes the principle of equal remuneration for work of equal value. It would be grateful if the Government, in its forthcoming reports, would supply information on the effect given to the relevant provisions of this Act (which was to come into force during the first half of 1979), with an account of the activities of the supervisory bodies set up and of the procedure for co-operation with the occupational organisations (with special reference to the comments of the Confederation of Trade Unions in Norway, which does not wish the supervisory bodies to interfere in the free determination of conditions of work).

The Committee hopes that the general scope thus given to the principle of the Convention, together with the other measures laid down by the Act in other fields of labour, will encourage further progress towards the guarantee of equal remuneration for workers of both sexes carrying out work of equal value, the independence of the negotiating parties being respected. It would be grateful if the Government would continue to supply information of a general character on changes in the gap between the remuneration of men and of women, and would also give information on the lessons that may have been drawn from the project set in motion by the Institute for Industrial Economics, whose aims, as stated in the report of the Government, were to include an investigation of relations between rates of remuneration in industry and factors such as sex, age and job classification.

Portugal (ratification: 1967)

The Committee notes the information provided by the Government in reply to a previous direct request and also takes note of the adoption of Legislative Decree No. 392/79 of 20 September 1979 to guarantee equality of opportunity and treatment for women and men in matters of work and employment. In this connection, the Committee, referring to its earlier comments concerning in particular the definition of the principle of the Convention and its scope in practice, notes with satisfaction that the above-mentioned Legislative Decree expressly guarantees to the two sexes equal remuneration for "equal work or work of equal value" and provides that job descriptions and job evaluation shall be based on objective criteria common to the two sexes. The Committee would be grateful if the Government in its next report would supply information on the effect given to the relevant provisions of the 1979 Legislative Decree, mentioning in particular the activities of the body set up to promote its application, namely the Committee on Equality in Work and Employment.

Sweden (ratification: 1962)

The Committee thanks the Government for the detailed information on developments occurring in the application of the principle of the Convention supplied with the report, and first notes, from a general point of view, that the comparative improvement in women's earnings is continuing, largely owing to policies of giving priority to the raising of low wages both in the public and in the private sector.

More specifically, the Committee notes with interest the efforts made by the occupational organisations to promote the equality of opportunity and treatment of women in employment (including

remuneration), which have been given form in two central agreements on the action to be pursued in this field concluded in 1977 between, on the one hand, the Swedish Employers' Confederation (SAF) and, on the other hand, the Swedish Trade Union Confederation (LO) and the Federation of Salaried Employees (PTK). The Committee would be grateful if the Government would supply any information available on measures adopted under the provisions of these agreements, indicating as far as possible progress made in the attainment of the aims fixed by the parties.

Lastly, the Committee notes with interest that the Swedish Central Organisation of Salaried Employees (TCO), in its comments on the application of the Convention appended to the report of the Government, stresses the need to give effect to the concept of "work of equal value" contained in the Convention and suggests a national programme of reforms, including the development of job evaluation systems that ought, according to this organisation, to attach great importance to the human and social significance of work going beyond the technical and economic aspects of the job. The Committee would be grateful if the Government would provide information on any consideration that may have been given to these suggestions and keep it informed of any progress in the general job nomenclature project mentioned in earlier comments and reports.

Switzerland (ratification: 1972)

The Committee notes with interest the judgement handed down on 12 October 1977 by the Federal Court allowing an appeal in a case of inequality of treatment and remuneration affecting the female primary teaching staff in one of the cantons of the Confederation. The Committee observes in particular that the Court, after noting the evolution of ideas produced in this field, to which the Equal Remuneration Convention (No. 100) had contributed, based its decision on the general provisions of the national Constitution concerning equality before the law and considered that these guaranteed to a woman working in a public service equal remuneration for work of equal value.

The Committee also notes with interest the proposals to revise the Constitution (due to a popular initiative and a counter-proposal of the Federal Council), which provide, through different procedures, for the incorporation in the Constitution of the principle of equal wages, or remuneration, for work of equal value.

Since the above-mentioned judicial decision and, even more, the proposals to revise the Constitution may encourage the achievement of important progress in the application of the Convention, the Committee hopes that the Government will be able to mention such progress in its forthcoming reports, and that it will provide all the information referred to by the Committee in a direct request.

United Kingdom (ratification: 1971)

The Committee notes with interest the information supplied by the Government concerning the application of the Equal Pay Act 1970 and the effect given in practice to the principle of the Convention. It notes in particular the great efforts made by the Government to inform employers and workers of the rights and obligations deriving from the Act, the various activities of the Equal Opportunities Commission to promote the application of the Act, and the examination of collective agreements and employers' wage decisions by the Central Arbitration Committee. At the same time it observes the wage statistics provided,

which indicate a narrowing of the gap between the remuneration of men and women during the period 1970-77 owing to the adoption of the 1970 Act and to a deliberate policy to raise low wages. The Committee would be grateful if the Government would continue to furnish similar information of a general nature on developments and progress occurring in the application of the 1970 Act, with special reference to the reports or activities of the Equal Opportunities Commission in the matter.

The Committee also notes, from the report of the Government, that the Trades Union Congress (TUC) has made suggestions concerning a number of amendments to the Equal Pay Act 1970. It hopes to be kept informed of any action taken on these suggestions, which the Government states to be under consideration.

Lastly, the Committee notes the information concerning court decisions, including those of the Employment Appeal Tribunal, some of which seem to show a trend towards a broader interpretation of the concept of equal remuneration adopted by the Act. It nevertheless appears to the Committee that the various forms of research or inquiry that it has taken note of confirm it in the opinion already expressed, namely that the promotion of an objective appraisal of jobs is a suitable means of facilitating the full application of the principle of the Convention. The Committee notes in this connection the efforts of the Government to disseminate information and some progress towards a broader use of appraisal methods. It would be grateful if the Government would continue to provide information on any additional measures taken or under consideration to promote the objective appraisal of jobs within the meaning of Article 3 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Angola, Australia, Barbados, Bolivia, Chad, Dominican Republic, Ghana, Greece, Guyana, Haiti, Iran, Iraq, Jamaica, Japan, Jordan, Libyan Arab Jamahiriya, Luxembourg, Nepal, Nicaragua, Nigeria, Paraguay, Sudan, Switzerland, Tunisia, Yemen, Zambia.

Information supplied by Algeria, Brazil, United Republic of Cameroon, Chile, Ecuador, German Democratic Republic, Guatemala, Mongolia, Philippines, Sierra Leone, Spain, Upper Volta and Zaire 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

GENERAL OBSERVATION

Part XI (Standards to be complied with by periodical payments), Articles 65, paragraph 10, and 66, paragraph 8 (review of the rates of

certain periodical payments: Title VI of the Report Form), in relation to Articles 28, 36, 56 and 62 of the Convention.

The Committee considers that, in view of the effect of inflation on the general level of earnings and the cost of living, the review of the rate of cash benefits granted in respect of old age, employment injury (with the exception of benefit for temporary incapacity), invalidity and death of the breadwinner should be given special attention, particularly in the present economic situation. The Committee therefore requests governments that have ratified the Convention not to fail to provide with their next report all the statistical data called for by the Report Form in connection with the application of paragraph 10 of Article 65 or paragraph 8 of Article 66 of the Convention.

Requests regarding certain points are being addressed directly to the following States: Barbados, Costa Rica, Ecuador, Mexico, Switzerland, Turkey.

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

A request regarding certain points is being addressed directly to Guinea-Bissau.

Convention No. 105: Abolition of Forced Labour, 1957

Afghanistan (ratification: 1963)

The Committee notes that the Government's report has not been received. It hopes that the Government will soon supply information on the following points raised in its previous observation:

1. The Committee notes from the Government's report received in 1977 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, 1934. It hopes that the text of the new Penal Code will be communicated.

2. The Committee notes that under section 128 of the Constitution, the Government was to enact a new press law before November 1979. It hopes that this text will be forwarded 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 that 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)

The Committee notes the information provided by the Government in its report.

Article 1(a) and (d) of the Convention. The Committee observed in its previous comments that, since the declaration of the state of siege in 1974 and the adoption of the Act on the national reorganisation process, Decrees Nos. 6 and 9 of 24 March 1976 and Act No. 21400 of 3 September 1976, the constitutional guarantees including the right to participate in political activities and the right to strike have been suspended and numerous political organisations have been dissolved (subject to penalty of imprisonment involving the obligation to work).

It observed that provisions enforced by penalties of imprisonment involving the obligation to work are incompatible with Article 1 of the Convention, where their effect is to prevent the exercise of the above-mentioned rights and freedoms by peaceful means, and that exceptional measures affecting the observance of the Convention should be limited to the immediate period of the emergency.

It appears from the information provided by the Government in its last report that Act No. 21400 has not been applied in practice, since most of the labour disputes that have occurred have been settled by the parties concerned. In certain cases, however, the Ministry of Labour has taken action to reach a settlement in the sectors affected by a dispute, but the measures have been lifted soon after.

The Committee takes due note of these explanations. It trusts that measures will be adopted in the near future to ensure observance of Article 1(a) and (d) of the Convention through the re-establishment of the constitutional guarantees and in particular the rights to participate in political activities by peaceful means and to go on strike without liability to penalties involving the obligation to work, where the interruption of activity would not endanger or be likely to endanger the life and safety of the population.

Brazil (ratification: 1965)

Article 1(a), (c) and (d) of the Convention. In its earlier comments, the Committee referred to a number of provisions in 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, under which penalties of imprisonment involving compulsory labour may be imposed to punish the peaceful exercise of the freedoms of opinion, publication and association and of the right to strike and for various breaches of labour discipline.

The Committee notes that section 55 of Act No. 6620 of 17 December 1978 on national security has now repealed Legislative Decree No. 898 of 29 September 1969. However, sections 11, 21, 27, 36 I, II, III, V, 37, 40, 42 I, II, III, IV, VI, and 44 of Act No. 6620 re-enact the provisions of Legislative Decree No. 898 previously referred to, enforcing them with penalties that may involve the obligation to perform prison labour.

The Committee also notes the statement of the Government in its report to the effect that prison labour is neither of a punitive character nor used as a means of labour discipline; the Government adds that the question is one not of physical constraint but of a legal duty

and also of a right, and refers to the vocational training of convicts without distinction based on the offence committed. In this connection, the Committee refers to the explanations in paragraphs 102 to 109 of its 1979 General Survey on the abolition of forced labour, where it indicated that compulsory labour in any form, including compulsory prison labour, falls within the Convention when imposed on persons sentenced for having expressed certain political opinions or for having committed a breach of labour discipline or taken part in a strike.

The Committee notes with interest that a decree has granted amnesty to those who, between 1961 and 1978, committed non-violent political crimes or related offences based on political motives and has restored the political rights of those who had been deprived of them under institutional acts and subsidiary legislation.

The Committee trusts that the Government will adopt the necessary measures to ensure observance of the Convention in respect of the various provisions mentioned above, which are again the subject of a direct request addressed to the Government, and that the next report will mention progress in this connection.

Central African Republic (ratification: 1964)

Article 1(a) of the Convention. The Committee refers to its general observation. It also notes that the report of the Government has not been received and recalls that in previous observations it had 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 follow 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 points out that making use of forced or compulsory labour in such circumstances is contrary to the provisions of Article 1(a) of the Convention. Since Decree No. 76/010 promulgating the statutes of the MESAN, to which the Government has referred, does not repeal Act No. 63/411, the Committee trusts that suitable measures will be taken in the near future to ensure observance of the Convention on this point.

Chad (ratification: 1961)

Following the discussion which took place in the Conference Committee in 1979 on the application of this Convention, the Committee notes with regret that for the fifth year in succession the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 1(d) of the Convention. In the comments that it has been addressing to the Government for some years, the Committee has noted that Ordinance No. 30/PR/CSM of 26 November 1975 has suspended all strikes until further notice throughout the whole country and that any person contravening this provision is deemed to be acting to the detriment of good order and treated accordingly. Furthermore, Act No. 15 of 13 November 1959 to punish acts of resistance, disobedience and breach of duty towards the administrative authorities prescribes that persons who refuse to comply shall be punished by imprisonment with the obligation to work. So far as these provisions make it possible

to punish participation in any strike with penalties involving the obligation to work, they are contrary to the Convention. The Committee hopes that the Government will take the necessary measures to ensure the observance of the Convention in this respect.

Cuba (ratification: 1958)

Article 1(c) of the Convention. Following its earlier comments concerning sections 556A, 557 and 560A of the Social Defence Code, under which it seemed possible to impose penalties involving an obligation to work for various breaches of duty and of technical standards as a means of labour discipline, the Committee notes the repeal of this Code under the first of the final provisions of the Penal Code that came into force on 1 November 1979.

It notes, however, that under section 262 of the new Code it is still possible to impose sentences of imprisonment (involving, by virtue of section 30, paragraph 9, of the Code, an obligation to work) on workers who by breach of the duties placed on them by their office, employment, occupation or profession in a state economic unit, particularly their duties relating to the observance of the standards, rules or instructions concerning technological discipline, cause serious harm to the output in production or services of its unit or to its equipment.

The Committee requests the Government to provide information on the application in practice of section 262, i.e., if prison sentences are pronounced thereunder, to supply details of court decisions made and to indicate any measures that may have been taken or may be under consideration with regard to this provision, for example limiting its scope to acts committed with malicious intent, in order to ensure that penalties involving compulsory labour cannot be inflicted as a means of labour discipline.

Dominican Republic (ratification: 1958)

Article 1(b) of the Convention. Following the direct contacts that took place between the competent national services and a representative of the Director-General of the ILO in November 1976, the Committee notes with satisfaction that Act No. 80 of 18 November 1979 repeals sections 270 to 273 of the Penal Code, under which vagrancy could be punished by administrative authorities.

Article 1(a). It also notes with satisfaction that Act No. 1 of 8 September 1978 repeals Act No. 6 of 8 October 1963, which prohibited all communist activities, subject to imprisonment, and grants amnesty to persons sentenced for a certain number of political offences.

In this connection, the Committee would ask the Government to provide further details on certain points that are the subject of a request addressed direct to the Government.

Article 1(c) and (d). Furthermore, the Committee noted in earlier comments that under certain provisions of Act No. 3143 of 11 December 1951 concerning failure to complete a piece of work by the agreed date when payment had been made in advance and of the Labour Code (sections 370, 373, 374, 678(16) and 679(3)) sentences of imprisonment involving compulsory prison labour could be inflicted for breaches of labour discipline and participation in certain strikes.

Since the Government has stated several times that the Committee for the Revision of the Labour Code was considering deleting from the Code the sentences of imprisonment that could be inflicted for participation in an illegal strike, the Committee trusts that the Government will soon be able to indicate the measures taken in respect of all the above-mentioned provisions to ensure observance of the Convention.

Finland (ratification: 1960)

With reference to its earlier direct request concerning the application of Article 1(c) and (d) of the Convention, the Committee notes with satisfaction that the Seamen's Act (No. 423/78 of 7 June 1978) came into force on 1 July 1978. The new Act ends the possibility, provided for by section 52 of Act No. 341/55 of 30 June 1955, of bringing back deserting seamen on board by force, restricts the power of the captain to use force in re-establishing order to cases of danger and provides that any abuse of power in this respect is liable to punishment.

Gabon (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that under the Labour Code (Act No. 5-78 of 1978) a strike declared in violation of the provisions of the Code does not entail a sentence of imprisonment.

Furthermore, it would draw attention to the following point:

Article 1(c) and (d) of the Convention. In earlier comments, the Committee noted that under section 153, paragraphs 1, 4, 5 and 9 (in conjunction with section 156), and sections 169, 186 and 188 of the Merchant Shipping Code (Act No. 10/63 of 12 January 1963), certain breaches of discipline by seamen are punishable with imprisonment involving - under Act No. 55/59 of 15 December 1959 respecting the organisation of prison services and the penitentiary system, as amended - the obligation to work.

The Committee had requested the Government to examine these provisions in the light of Article 1(c) and (d) of the Convention, which prohibits the use of any form of forced or compulsory labour, including labour required of persons sentenced to imprisonment, as a means of labour discipline or as a punishment for having participated in strikes. It recalls the explanations given in paragraphs 117 to 120 of the 1979 General Survey on the Abolition of Forced Labour, where it indicated that the Convention is not concerned with penalties involving compulsory labour for acts endangering the safety of the vessel or of persons on board, but prohibits the imposition of such penalties for breaches of discipline that do not endanger safety.

In its report for the period 1975-76, the Government stated that an interministerial committee would be meeting with a view to the possible amendment of the provisions in question. It also stated that a decree issued in 1974 had put an end to the various kinds of duties required of prisoners under Act No. 55/59 of 15 December 1959.

The Committee notes that the Government in its later reports has not provided the information requested in this connection. It again asks the Government to provide the text of the 1974 Decree referred to and also information on any other measures that may have been taken to bring the legislation applying to the merchant navy into conformity with the Convention.

Greece (ratification: 1962)

Article 1(d) of the Convention. With reference to its earlier comments concerning section 247(1) to (3) of the Penal Code (under which penalties involving compulsory labour could be imposed on public employees who conspired to resign, abandon or neglect their duties or provoke a strike), the Committee notes with satisfaction that section 23, paragraph 2, of the Constitution and Act No. 643 of 1977 grant the right to strike to public officials subject to a special conciliation procedure.

Guatemala (ratification: 1959)

In comments it has been making for some years, the Committee observed that under Legislative Decree No. 9 of 10 April 1963 (sections 2 to 5, 6, paragraph 2, and 7), Legislative Decree No. 387 of 26 October 1965 (sections 20, 21, 30, paragraph 2, and 122) and section 396 of the Penal Code, propaganda on behalf of a certain political ideology and participation in associations acting in agreement with international bodies advocating this ideology can be punished with imprisonment involving the obligation to work.

It has asked the Government to adopt measures to ensure that no form of compulsory labour, including compulsory prison labour, is imposed as a punishment for holding or expressing peacefully, views opposed to the established system.

The Committee notes with interest the information supplied by the Government in its last report that the Supreme Court has been asked to take note of these comments and to prepare Bills to put an end to the discrepancies between the national laws and the text of Convention No. 105. The Government adds that the decisions of the Supreme Court will be communicated in due course.

The Committee trusts that measures will be taken in the very near future to ensure observance of the Convention on these essential points.

Guinea (ratification: 1961)

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 was on the following:

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 stated to the Conference Committee in June 1978 that the question raised is purely formal, since the Decree has not been applied in practice.

The Committee hopes the Government will seize the occasion of a forthcoming amendment of the legislation to repeal formally the Decree in question, so as to ensure observance of the Convention in law as well as in practice.

2. Supply of legislative texts. The Committee notes with regret that the legislative texts repeatedly requested 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.

Haiti (ratification: 1958)

Suspension of constitutional guarantees. In observations that it has been making for very many years, the Committee has noted that each year between 1960 and 1978 a decree giving full powers to the Head of the Executive has suspended for a period of six to eight months a considerable number of constitutional guarantees representing indispensable conditions for the effective application of the Convention.

The Government has stated several times that the National Assembly has acquired the habit of issuing a decree at the end of each legislative session entrusting the President for Life of the Republic with the task of ensuring the application of the constitutional guarantees. It has added that, although the word "suspension" is employed in the decree, it is not a case of suspension proper, since these guarantees remain, but that it falls to the Chief of State to have them respected during the period when the Legislative Assembly is not in session.

The Committee notes, however, that the decrees according full powers to the Chief of State have not ensured the application of the constitutional guarantees but, on the contrary, suspended in law the guarantees appearing in sections 17, 18, 20, 21, 31, 48, 112, 122, paragraph 2, and 125, paragraph 2, of the Constitution.

Referring to the discussion that took place on this question last year in the Conference Committee, the Committee requests the Government to provide the text of any decree adopted on these matters in 1979 or later and to indicate the measures taken in this connection to ensure observance of the Convention.

Furthermore, the Committee has been pointing out for several years that, under certain provisions of the Legislative Decree of 19 November 1936 on communist activities (sections 2 to 6), of the Penal Code (sections 162 and 165) and of the Decree of 8 December 1960 on the obligation to observe working hours (section 3), the expression of political opinions and certain breaches of labour discipline can be punished with penalties involving compulsory prison labour, which is contrary to Article 1(a) and (c) of the Convention.

The Committee takes note of the assurances reiterated by the Government in its last reports, and to the Conference Committee, to the effect that its observations have been submitted to a committee for the redrafting of the Haitian Codes. It expresses once again the hope that the above-mentioned provisions will be duly repealed or amended in order to bring the legislation into conformity with the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

Ireland (ratification: 1958)

Article 1(c) and (d) of the Convention. In previous comments the Committee had referred to the following legislative provisions:

- (a) sections 221 and 225(1) (b) and (c) of the Merchant Shipping Act, 1894 (as amended by the Adaptation of Enactments Act, 1922 and the Merchant Shipping Act, 1947), under which certain disciplinary offences may render seamen liable to imprisonment (involving, by virtue of section 42 of the Rules for the Government of Prisons, 1947, an obligation to work);
- (b) sections 222 and 224 of the same Act, under which seamen absent without leave may be forcibly conveyed on board ship (in the case of foreign ships, this may be done under section 238 of the Act);
- (c) section 16 of the Conspiracy and Protection of Property Act, 1875, which excludes seamen from the scope of this Act and, accordingly, deprives them of the immunity from criminal liability for conspiracy in respect of acts in contemplation or furtherance of trade disputes which is bestowed on other workers by section 3 of this Act; and section 225(1) (e) of the Merchant Shipping Act, 1894, under which it is an offence, punishable with imprisonment (involving an obligation to work) for seamen to combine to disobey lawful commands or to neglect duty.

The Committee had asked the Government to review these provisions in order to bring the legislation on seamen into conformity with the Convention. It notes with interest the Government's statement in its last report that measures are being contemplated to eliminate the offending sections. As the matter has been the subject of comments since 1963, the Committee cannot but hope that the legislation will be brought into conformity with the Convention in the near future.

Italy (ratification: 1958)

Article 1(c) of the Convention. In its earlier comments, the Committee has noted various provisions under which penalties involving compulsory labour may be inflicted for breaches of labour discipline, and it has requested the Government to indicate the measures taken or under consideration to ensure observance of the Convention in this respect.

The Committee notes the Government's statement in its report that there is no form of forced labour within the meaning of the Convention in the country and that therefore the issue of adapting national standards to international standards does not arise.

The Committee draws attention to the explanations in paragraphs 102 to 109 of its General Survey of 1979 on the Abolition of Forced Labour, where it indicated that compulsory labour in any form, including compulsory prison labour exacted as a consequence of a conviction in a court of law, comes under the Convention where the penalty involving this obligation is imposed in one of the five cases specified by the Convention.

The Committee hopes that the Government will take the necessary measures to ensure that no penalty involving compulsory labour can be inflicted for breaches of labour discipline under the various legislative provisions that are once more the subject of a more detailed direct request.

Kenya (ratification: 1964)

In previous comments, the Committee 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 the Government's statement in its report that a review of the relevant provisions is being undertaken and that discussions among the various government authorities concerned on the steps to be taken to bring the legislation into conformity with the Convention are at an advanced stage. It hopes that the Government will soon be able to supply details on the measures adopted.¹

Liberia (ratification: 1962)

For several years the Committee has observed that prison sentences (involving, under Chapter 34, section 34-14, paragraph 1 of the Liberian Code of Laws revised, Volume 1, 1973, an obligation to work) might be imposed in circumstances falling within Article 1(a) of the Convention under section 52(1)(b) of the Penal Law (punishing certain forms of criticism of the Government) and section 216 of the Election Law (punishing participation in activities that seek to continue or revive certain political parties).

The Committee notes that the Government's report has not been received. It cannot but hope that measures will soon be taken in relation to the above-mentioned provisions to ensure that no form of forced or compulsory labour is imposed in circumstances falling within the Convention.

Malaysia (ratification: 1958)

1. Article 1(a) of the Convention. In its previous observations, the Committee had commented on various provisions of the Internal Security Act, 1960, the States of Malaya Restrictive Residence Ordinance (Cap. 39), 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 the 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 pointed out 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 such penalties not

¹ The Government is asked to report in detail for the period ending 30 June 1980.

for the commission of defined offences of the above-mentioned 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, contravenes 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 notes from the Government's report that no information is available on the practical application of the provisions in question. It again expresses the hope that the Government 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.

2. Emergency legislation. The Committee notes from the information communicated by the Government to the Conference in 1978 that the Emergency (Essential Powers) Act, 1964, the Public Order (Preservation) Ordinance, 1958, the Sabah Preservation of Public Security Ordinance, 1962, and the Sarawak Preservation of Public Security Ordinance, 1962, are hardly now invoked. The Committee hopes that the Government will supply in future reports information on any cases in which emergency provisions are applied in circumstances which may have a bearing on the observance of the Convention.

3. Article 1(c) and (d). The Government previously indicated that a new Merchant Shipping Bill was being prepared which will remove the provisions of the Malayan Merchant Shipping Ordinance, 1952, and the Sabah and Sarawak Merchant Shipping Ordinance, 1960, which impose penalties involving compulsory labour on seamen for various breaches of discipline and forcible return to ship in case of abandonment of service. The Committee again expresses the hope that the new legislation will be adopted in the near future and that the Government will indicate the action taken.

4. Article 1(d). In its previous observation, the Committee referred 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), thereby rendering any strike action illegal (section 44(b) and (d)) and punishable with imprisonment, involving an obligation to work (sections 46 and 47).

While noting the sparing use which had been made of the above-mentioned provisions of the Industrial Relations Act, 1967, the Committee observed 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. In the absence of further information on this subject in the Government's report, the Committee again expresses the hope that the Government will re-examine the position with a view to ensuring the full observance of Article 1(d) of the Convention, and that it will supply information on any measures taken or contemplated.

Mauritius (ratification: 1969)

The Committee notes with satisfaction that the Government lifted, on 10 March 1978, the state of emergency proclaimed in 1971, thus abrogating various regulations providing for sanctions of penal servitude to enforce the control of publications, the prohibition of public gatherings and the directing of workers to employment in a wide range of services.

Mexico (ratification: 1959)

With reference to its earlier comments, the Committee notes with satisfaction the repeal of the provision in the Penal Code under which political propaganda by the dissemination of ideas or programmes originating with foreign governments and likely to disturb public order or infringe national sovereignty was punishable by imprisonment involving the obligation to work.

Netherlands (ratification: 1959)

Article 1(c) and (d) of the Convention. Further to its previous comments the Committee notes with satisfaction the repeal by Decree of 14 December 1979 of section 358 bis, ter, and quater of the Penal Code which punished with imprisonment involving compulsory labour the neglect or refusal to work by public officials and railway employees.

Nicaragua (ratification: 1967)

The Committee notes with interest the statement by the Government in its last report that account will be taken of all the comments of the Committee so that no discrepancy will remain between the national laws and the Convention.

The Committee recalls the need to repeal or amend the following provisions: section 74 of the 1974 Constitution, read together with section 523, paragraphs 1 and 2, of the Penal Code, punishing those who organise or take part in certain political parties, with imprisonment involving compulsory labour; sections 225, 228, 309, 311, 314, 319 and 320 of the Labour Code, read together with section 523, paragraph 3, of the Penal Code, imposing restrictions on the peaceful exercise of the right to strike. These provisions are incompatible with the Convention where they are accompanied by sentences of imprisonment involving the obligation to work.

The Committee hopes that the Government will adopt measures to ensure the observance of the Convention and that its next report will mention any progress made in this respect.

Nigeria (ratification: 1960)

Article 1(c) and (d) of the Convention. Further to its previous observation, the Committee notes with satisfaction from the information communicated by the Government to the Conference in 1978 that the Merchant Shipping (Amendment) Decree No. 16 of 1976 came into force on 1 March 1977.

In previous observations, the Committee referred to section 81(b) and (c) of Labour Decree No. 21, 1974, which re-enacted section 236(1)(b) of the Labour Code Act. Under this provision, if a court, having awarded damages for breach of contract, has directed the party in breach to find security for the due performance of the contract, the penalty for failure to do so is a term of imprisonment, involving an obligation to work by virtue of Regulations 33 and 35 of the Prisons Regulations. The Committee has noted the Government's statement to the Conference in 1978 that the National Labour Advisory Council which would review the Decree was being reconstituted and, when established, would take note of the Committee's comments in recommending to the Government necessary amendments to the Decree. It hopes that the Government will soon be able to indicate that the necessary action has

been taken in respect of the above-mentioned provision to ensure that, in conformity with the Convention, no penalties involving compulsory labour may be imposed as a means of labour discipline.

Pakistan (ratification: 1960)

1. Further to its previous comments, the Committee notes with satisfaction from the Government's report that, following the repeal of the Defence of Pakistan Ordinance, 1971, by Ordinance No. XIXII of 1977, those rules of the Defence of Pakistan Rules, 1971, which empowered the authorities to impose compulsory service and compulsory cultivation, to prohibit strikes and to impose restrictions on various other fundamental rights having a bearing on the observance of the Convention, subject to penalties of imprisonment, have ceased to be in force.

2. Article 1(c) and (d) of the Convention. In earlier comments, the Committee had asked the Government to review sections 100-103 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 previously that the Committee's comments were being examined.

The Committee notes from the Government's statement to the Conference in 1978 that it considers sections 100-103 of the Merchant Shipping Act necessary to maintain discipline on board. Since, however, the use of penalties involving compulsory labour as a means of labour discipline conflicts with Article 1(c) of the Convention, the Committee hopes that the Government will review its position in this regard and that it will re-examine the legislation with a view to bringing it into conformity with the Convention. In this context, the Committee refers to the explanations provided in paragraphs 117-119 and 125 of its 1979 General Survey on the Abolition of Forced Labour, where it indicated that the imposition of penalties involving compulsory labour is compatible with the Convention only in relation to acts endangering the safety of the ship or of persons on board.

Paraguay (ratification: 1967)

See under Convention No. 29.

Peru (ratification: 1960)

Article 1(e) of the Convention. The Committee recalls that it has been drawing the Government's attention since 1971 to section 44 of the Penal Code, under which indigenous people termed "salvajes" (savages) may be sentenced, for offences attributable to them, to an agricultural penal colony (involving the obligation to work) for an indeterminate period of up to 20 years, whereas the penalty of deprivation of liberty to which other persons are liable for the same offences is of a fixed and shorter duration. This discrimination is incompatible with the Convention.

The Committee notes with interest the statement by the Government in its report received in January 1980 that the Minister of Labour has forwarded the observations of the Committee of Experts to the Supreme Court so that they may be taken into consideration by the Penal Code Reform Committee.

The Committee therefore expresses the hope that the law will be amended in the near future so that it shall not be permitted in any

circumstances to sentence indigenous people to more severe penalties involving compulsory labour than other inhabitants of the country. It hopes that the Government will supply information on the measures taken to this end.¹

Philippines (ratification: 1960)

Article 1(d) of the Convention. In its previous comments, the Committee referred to article 14, sections 6 and 7 of the Constitution and sections 1 and 4 of the Commonwealth Act No. 358, which enable the Government to take over the possession and control of public utilities or businesses involving a public interest and thereby make strikes of their employees unlawful and punishable with imprisonment, and to the takeover of steel mills and other businesses under several letters of instructions. The Committee also noted that under Presidential Decree No. 823, as amended, and its implementing rules and regulations, strikes are prohibited in a wide range of industries and severely restricted elsewhere, and that under section 11 of Presidential Decree No. 823, as amended, and section 19 of its implementing rules and regulations, any person participating in a strike in violation of any provision of a decision of the Secretary of Labour or of Presidential Decree No. 823, and its implementing rules and regulations, may be punished by imprisonment from one to five years.

The Committee notes the Government's statement in reply that nowhere in national legislation is punishment involving compulsory labour imposed for participation in any strike. The Committee had previously noted that sentences of imprisonment that may be imposed under the Commonwealth Act No. 358 or Presidential Decree No. 823 carried, by virtue of section 1727 of the Revised Administrative Code, 1950, an obligation to work for all male persons under 60 years of age. It would ask the Government to communicate the text of any legislation repealing this obligation.

Referring also to the explanations given in paragraphs 120 to 131 of its 1979 General Survey on the Abolition of Forced Labour, regarding the limited range of circumstances in which the imposition of penalties involving compulsory labour in relation with a strike may not fall within the scope of the Convention, the Committee hopes that the Government will supply full information on all measures taken or contemplated in this respect to ensure the observance of the Convention.

Syrian Arab Republic (ratification: 1958)

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

In its previous observations and direct requests, the Committee has referred to certain provisions of the Economic Penal Code, the Penal Code, the Agricultural Labour Code and the Press Act, under which terms of imprisonment with the obligation to work may be imposed for acts coming under Article 1(a), (c) and (d) of Convention No. 105.

The Committee notes the information contained in the last report of the Government to the effect that the Prime Minister's

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

office has been requested to instruct the Minister of Justice to draw up a legal text repealing the last sentence of section 51, paragraph 3, of the Penal Code and amending section 45 and other sections of the same Code, so that no compulsory labour can be imposed in the cases mentioned in the first Article of this Convention.

The Committee hopes that a report will be forwarded and will mention any progress made in this connection.

Tanzania (ratification: 1962)

Tanganyika

In observations made for several years, the Committee referred to a number of legislative provisions under which prison sentences involving an obligation to work may be imposed for the publication of any newspaper prohibited by the President in the public interest, for various violations of labour discipline and for participation in strikes.

The Committee has noted the Government's statement to the Conference Committee in 1978 that direct contacts had enabled it to recommend amending the legal provisions in question, and that drafts prepared on that occasion were going to be submitted for enactment. In its last report, however, the Government does not indicate any action taken on these amendments, but expresses the view that the provisions commented upon by the Committee of Experts do not exact forced labour, as the punishment is carried out after court hearing, and as such is done according to law. The Committee would refer to paragraphs 102 to 109 of its 1979 General Survey on the Abolition of Forced Labour, where it pointed out that in most cases, labour imposed on persons as a consequence of a conviction in a court of law will have no relevance to the application of the Convention; but compulsory labour in any form, including prison labour, is covered by the Convention in so far as it is exacted in one of the cases specified by the Convention.

The Committee is therefore bound to ask the Government to take the necessary measures with regard to the following provisions so as to ensure that no sanctions involving compulsory labour may be imposed in circumstances falling within Article 1(a), (c) or (d) of the Convention.

Article 1(a) of the Convention. Under section 21A of the Newspaper Ordinance (Cap. 229), inserted by Act No. 23 of 1968, the President may, if he considers it necessary in the public interest or of peace and order, prohibit the further publication of any newspaper. Any person who prints, publishes, sells or distributes in a public place, such a newspaper, 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 (involving an obligation to work).

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, involving an obligation to perform labour. Under section 151, 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 and punishable with imprisonment (including compulsory prison labour).

The Committee hopes that the Government will soon indicate the action which has been taken or is contemplated to bring the legislation with regard to these matters into conformity with the Convention.

The Committee also hopes that the Government will supply the following information which has been asked for in direct requests for a number of years:

- (a) Information on the practical application of section 89(c) of the Penal Code and of sections 6, 8, 9(a), 12(1) and (11), 19-21 of the Societies Ordinance (such as the number of convictions for offences and the particulars of any court decisions which may define or illustrate its effect and scope).
- (b) Details of any regulations issued under section 4(2) of the Preventive Detention Act, 1962, and information on the provisions governing the employment of persons detained under the Preventive Detention Act.
- (c) Copies of provisions adopted pursuant to section 52(92) of the Local Government Ordinance prohibiting, regulating or controlling meetings and other assemblies (i.e. copies of certain by-laws governing these matters).

Zanzibar

In its previous comments the Committee had referred in particular to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree) the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion in violation of Article 1(a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961, on the measures taken to abolish compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. 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 the information supplied by the Government in its reports received in 1978 and 1979.

Article 1(d) of the Convention. In its earlier comments, the Committee has pointed out that, under the Labour Code, participation in a strike is unlawful, and punishable by imprisonment involving compulsory labour, when it has not been approved by the Central Workers' Organisation (sections 376 bis, paragraph 2, 387 and 388) and when the Government has ordered compulsory arbitration, considering that the national interest might be endangered (sections 384 to 388). The Committee has also pointed out that workers may be called up under penalty of imprisonment (also involving compulsory labour) when a strike is considered to be such as to jeopardise a vital interest of the nation (sections 389 and 390).

The Committee notes with interest the information provided by the Government that the National Advisory Committee for Revising the Labour Code has examined these comments and a proposal to replace the expression "vital interest of the nation" by "essential services jeopardising the existence and well-being of the population" with a view to bringing the provisions of the Code into conformity with those of the Convention. The Committee has also taken note of a draft list of essential services that was enclosed with the report of the Government for the opinion of the Committee. The Committee is of the view that the items numbered 2 to 5 mentioned in the list concerning the supply of electricity and water, hospital services and air traffic security clearly meet the criteria set out in paragraphs 123 and 124 of its 1979 General Survey on the Abolition of Forced Labour, while the other items mentioned concerning public transport, bakeries and meteorological and telecommunications services would not, in the absence of special circumstances, fall within the scope of essential services.

The Committee hopes that the necessary amendments will be adopted in the near future to limit the scope of the provisions on compulsory arbitration and the requisitioning of workers, where they include penalties involving compulsory labour, to essential services in the strict sense, and that the Government will also take the necessary measures concerning section 376 bis, paragraph 2, read together with sections 387 and 388 of the Labour Code, to ensure that participation in a strike cannot be punished by penalties involving compulsory labour.

Uganda (ratification: 1960)

In its previous comments, the Committee had referred to various provisions under which imprisonment (involving an obligation to work) may be imposed for a wide range of political activities, including participation in any political party, violation of restrictions imposed by the authorities at their discretion on the right of association and freedom of expression, the termination of employment and the participation in strikes in services whose interruption would not necessarily endanger the existence or well-being of the population. The Committee notes with interest that the new Government has undertaken to ensure that national legislation will be amended as soon as possible so as to bring it into conformity with the Convention. It trusts that the Government will soon be able to indicate the measures taken or contemplated to ensure observance of the Convention.

Uruguay (ratification: 1968)

The Committee notes the information provided by the Government in its report.

Article 1(a), (c) and (d) of the Convention. In earlier comments, the Committee observed that under various provisions of Act No. 9480 of 1935 on publications (section 22), of Decrees Nos. 518 and 548 of July 1973 issued with a view to avoiding anomalies in the discharge of services in the public and private sectors and social security bodies and Decree No. 622 of August 1973 on strikes (sections 36(b), 37 and 44, read together with section 165 of the Penal Code) restrictions may be imposed on the freedom of publication and the peaceful exercise of the right to strike subject to penalties of imprisonment involving the obligation to work (according to section 41 of Act No. 14,470 of 1975 and section 70 of the Penal Code). The Committee indicated that these provisions are incompatible with Article 1(a), (c) and (d) of the Convention inasmuch as the penalties are imposed for the expression of views opposed to the established system or as punishment for participation in strikes called outside essential services in the strict sense, i.e. services whose interruption might endanger the life or safety of the population.

In its last report, the Government repeats its statement that prison labour, which is a duty and a right for those who have been sentenced, is aimed at re-educating them, not punishing them. It adds that there is no imprisonment by administrative decision, since section 12 of the Constitution embodies the principle that no person may be condemned without due process of law and a legal sentence.

In this connection, the Committee recalls, as it has again indicated in paragraphs 105 to 109 of its General Survey of 1979 on the Abolition of Forced Labour, that the Convention covers every form of forced or compulsory labour, including compulsory prison labour, when imposed in one of the five cases set forth in Article 1.

The Committee trusts that measures will be taken in the near future to ensure that no form of compulsory labour is imposed on persons who hold or express certain political views or views opposed to the established system through peaceful means or for incitement to or participation in strikes.

Since the Government, in information communicated to the Committee on Freedom of Association of the Governing Body of the ILO, has mentioned a Bill on strikes, the Committee hopes that it will seize the opportunity of having the legislation on the subject brought into conformity with the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Argentina, Australia, Bahamas, Bangladesh, Belgium, Benin, Brazil, Burundi, United Republic of Cameroon, Canada, Central African Republic, Chad, Colombia, Cuba, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Ghana, Greece, Guatemala, Guinea, Guyana, Iceland, Iraq, Israel, Italy, Jamaica, Jordan, Kenya, Libyan Arab Jamahiriya, Malaysia, Malta, Mauritius, New Zealand, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Poland, Portugal, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom, Uruguay, Zambia.

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

Requests regarding certain points are being addressed directly to the following States: Angola, Bangladesh, Iran, Morocco.

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

Convention No. 107: Indigenous and Tribal Populations, 1957Bolivia (ratification: 1962)

The Committee notes that for the second consecutive year no report has been received. It recalls that a very brief report was received in 1977 and that the last detailed report dates back to 1974. In these circumstances, the Committee is not in a position to examine the situation of the indigenous populations of the country and to assess the extent to which the Convention is applied in Bolivia. It points out that there are a number of important questions in this respect on which it has requested information.

In the direct request addressed to the Government in 1978, the Committee took cognisance of the fact that the indigenous populations of the country are divided into two groups, those living in the Sierra regions, which form the more settled rural portion of these populations, and the forest-dwelling tribal populations. As these two groups have distinct problems, the Committee divided its request into two parts. Among the questions raised in that request, which the Committee is again addressing to the Government, were the following:

Indigenous populations of the Sierra

Article 5. What opportunities are being given the indigenous populations to participate in the planning of programmes for their benefit?

Article 7. To what extent are indigenous populations allowed, under national law, to retain their own customs and practices?

Article 10. What measures have been taken to permit and assist indigenous populations in taking legal proceedings for the effective protection of their rights?

Articles 11 to 14. In connection with the revision of agrarian reform legislation, what action is being taken to take account of the special needs of indigenous populations?

Article 15. The Committee has noted the allegations, made in a report of the Anti-Slavery Society to the United Nations Ad Hoc Working Group on Slavery in 1977, referring to all the indigenous groups in the country, concerning forced indebtedness of indigenous groups, forced labour on rubber plantations, conditions of transport and of work of migrant workers, agricultural workers and miners, many of whom are members of the indigenous populations, and freedom of association among these populations. The Government is therefore requested to furnish detailed information on the conditions of work of these workers.

Articles 20 and 21 to 24. See under forest-dwelling tribal populations.

Forest-dwelling tribal populations

Articles 2, 3 and 27. The Committee has noted the Government's statement that it has been unable to take direct action in favour of indigenous populations, and has delegated certain functions to the Summer Institute of Linguistics, a missionary and linguistic organisation. It has also noted that there is no government agency with over-all responsibility for supervising or implementing programmes involving forest-dwelling tribal populations, which are currently carried out by various government bodies and missionary groups without any co-ordination. It has suggested that recent measures taken in other countries might serve as a model for such an agency, and that this might be an appropriate subject for consultation with the International Labour Office.

Articles 11 to 14. The Committee has requested information on several questions concerning the protection of the indigenous populations against encroachments on their lands by settlers, including a proposed scheme of large-scale settlement in areas occupied by them, indications of how current legislation intended to protect them is being implemented, and information on proposed changes in current legislation.

Article 15. Bearing in mind that these populations are increasingly entering the employment market, the Committee would be grateful if the Government would indicate what special measures have been taken for their protection, as required by this Article.

Article 20. What health services are provided by the Government or by missionary groups?

Articles 21 to 24. What educational services are provided by the Government or by missionary groups, and how does the Government co-ordinate such activities?

The Committee hopes that a report will be transmitted for examination next year and that it will contain full information on the above points, which are further elaborated in a request being addressed directly to the Government.

Colombia (ratification: 1969)

The Committee notes with interest the draft legislation intended to centralise control and supervision of activities concerning indigenous populations and to empower the President to issue an "Indian Statute". The Government has requested the Committee's comments on this legislation. The Committee understands that the comments so far made on the draft by interested organisations in the public and private sectors have focused on the powers it would grant the Government to accord or withdraw permission for non-governmental groups to work with indigenous populations. The Committee notes the wide nature of the powers which the draft legislation would give to the new Administrative Department for Community Development and Indigenous Affairs. It also recalls the utility, which it has often stressed, of a close and centralised co-ordination of all efforts taken by governmental and non-governmental agencies in relation to indigenous affairs, in order to ensure the protection and balanced development of these populations. Finally, it notes that in recent years there have been several conflicts between the Government and groups whose stated objectives are to assist indigenous populations to enjoy the rights to which they are entitled, particularly land rights.

The Committee is making comments on several provisions of the draft legislation in a direct request. In general, however, it considers that it would be a significant advance towards ensuring the application of the Convention if such a central co-ordination of activities as is contemplated in the draft could be established.

Ecuador (ratification: 1969)

The Committee has noted the information supplied by the Government in its latest report. However, it notes that in many cases the Government has been unable to supply the detailed information on the impact of various programmes on indigenous populations, which is necessary to evaluate the situation of these populations and government actions.

The Committee recalls in this connection that Ecuador has no legislation dealing specially with indigenous populations, no agency responsible for co-ordinating programmes which concern them, and no statistics on their numbers, locations, languages, health problems, land ownership, employment situation, nor on any of the other aspects of their situation. It also notes that there are more than one million indigenous populations in the country, mostly living in the rural areas. Although the Government has indicated in the past that it intended to adopt special measures concerning indigenous populations, this action has not yet been taken.

The Committee appreciates the problems inherent in undertaking the broad range of measures necessary to evaluate and improve the situation of these populations, in accordance with the provisions of the Convention. Nevertheless, it hopes the Government will take steps in the very near future to initiate such measures and that it will be able to furnish information on the progress achieved in this regard. The Committee understands that the Office would be at the disposal of the Government should consultations on the action to be taken be considered useful.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bangladesh, Bolivia, Colombia, Costa Rica, Ecuador, India, Pakistan, Panama, Peru.

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

Convention No. 108: Seafarers' Identity Documents, 1958

Brazil (ratification: 1963)

With reference to its previous observation, the Committee notes from the report of the Government that the new model seafarers' identity document has been approved and is now being printed. The

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Committee hopes that the Government will be able to send a copy of the printed version with its next report.¹

Italy (ratification: 1963)

Following its previous observation, the Committee notes with interest from the report of the Government that, since the existing navigation booklet does not meet the requirements of the Convention, a model seafarers' identity card has been worked out in agreement with the shipowners' and seafarers' organisations and is awaiting the approval of the competent ministry. The Committee hopes that the Government will be able in its next report to enclose a copy of the document approved, that this will conform to the provisions of the Convention and that it will remain in the seafarer's possession at all times, as provided by Article 3.

Furthermore, the Committee again requests the Government to give details on the application of Article 6 of the Convention (entry of a seafarer holding a valid seafarer's identity document issued by another country).

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Cuba, German Democratic Republic.

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

Afghanistan (ratification: 1969)

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

The Committee notes with interest the Government's statement that the enactment of new labour laws and regulations is receiving serious consideration, with a view to giving effect to all ratified Conventions. It accordingly hopes that appropriate provisions will soon be adopted to ensure the full application of the Convention.

With reference to its previous direct request, the Committee would appreciate receiving information on measures taken or contemplated to promote equal development of practical facilities for training, employment and productive activities in the various regions of the country inhabited by populations of different ethnic origins.

The Government is asked to indicate what has been the development of participation by women in vocational training and in employment at various levels (in the industrial, commercial and public service sectors) and what specific measures have been taken to promote equality of the sexes in this connection (independent of the question of equal pay, examined in connection with Convention No. 100).

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Chad (ratification: 1966)

Following the discussions on the application of this Convention at the Conference Committee in 1979, 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. Therefore it urges the Government to supply full information as regards: (a) measures taken or contemplated to ensure in practice the promotion of equality in matters of training and employment opportunities of the various groups of the population distinguished by ethnic, racial or social origin, etc.; (b) the policy followed with a view to allowing women to benefit in practice from equality of opportunities in matters of vocational training and employment; (c) occupations from which women are excluded under article 9 of the Civil Service Regulations.¹

Czechoslovakia² (ratification: 1964)

Further to its previous observation and to the discussions which took place in the Conference Committee in 1979 on this case, the Committee takes note of the report which was received from the Government during the present session and of the statements by the Government representative in the Conference Committee in 1979.

The Committee is not able to accept the view expressed in those declarations and in the report regarding the conformity with the Convention of dismissals such as those which had been the subject of the representation examined by the Governing Body in 1978, in connection with which that body had not considered the Government's reply to be satisfactory and had decided, in virtue of article 25 of the Constitution, that the representation and the reply should be published together with the report of the committee set up to consider the representation. As may be seen from this report (Official Bulletin, Vol. LXI, 1978, Series A, No. 3, Supplement, para. 21), these dismissals were made, and certain other measures were taken, on the ground that the workers concerned had signed or supported a document such as the manifesto known as "Charter 77"; this manifesto contained various criticisms of government policy (whose justification or inaccuracy the examining bodies were not called upon to assess) but it did not appear that the signing of or adhering to such a document by workers could in itself justify any derogation from the basic protection provided for by the Convention in matters of political opinion. Although the Government states in its recent report that the document in question contained an appeal to associate in order to carry out activities against public order, it does not appear from a reading of this document (reproduced in Appendix IV to the report of the Governing Body Committee), that it contained such an appeal. As the

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

² One member of the Committee, Mr. Tunkin, stated that he could not accept the observations of the Committee regarding Czechoslovakia as they did not accurately reflect the situation in this country. Another member of the Committee, Mrs. Bokor-Szegö, expressed reservations concerning the assessment in the observation in respect of the general situation in Czechoslovakia in relation with Convention No. 111. Mr. Gubinski, another member of the Committee, stated that, in his opinion, the observation concerning Czechoslovakia did not fully reflect the situation in this country.

Committee has recalled on several occasions, the measures authorised by the Convention in connection with the security of the State or the requirements of certain jobs should not be applied in such a way as to conflict with the basic protection provided by the Convention against discrimination in respect of employment on the grounds of political opinion.

In view of the foregoing, the Committee recalls that it had requested the Government to indicate the measures taken or contemplated to ensure that all sanctions previously imposed for reasons incompatible with the protection provided for by the Convention be duly reconsidered in the light of its requirements. In that regard, the Committee notes the statements of the Government concerning, on the one hand, the judicial remedies available and the use made of them and, on the other, the present situation regarding the employment of persons who had been dismissed. These statements show, first, that not all the persons concerned have availed themselves of their right to judicial remedies and that some of those who did so have obtained satisfaction (without any indication of the grounds therefor). The Committee notes that these indications are not such as to modify the assessment to be made of the general situation since, according to the information reproduced with the report of the above-mentioned committee of the Governing Body, the courts confirmed the dismissals on the basis of a statement by the Public Prosecutor of the Republic of 31 March 1977 according to which the declaration known as "Charter 77" was in itself a potential source of danger to the socialist and state system of the Republic and the fact that this result had not occurred was immaterial. In the second place, the above-mentioned statements show that the persons concerned have now found other employment or have themselves chosen to live without employment or to emigrate. On this point, the Committee can only point out that the Convention is intended to protect workers against discrimination in respect of the jobs and occupations in which they are employed; the fact that workers have been offered or have found other jobs or have adopted another mode of life does not suffice to show that their position has been reconsidered in a manner consistent with the equality of opportunity and treatment required by the Convention. It therefore remains necessary to supply additional information on the measures taken or contemplated in connection with these points.

Lastly, the Committee had hoped that the Government would take all suitable measures to guarantee more effectively that the provisions of national laws in this field may not be applied for reasons that would be incompatible with the protection laid down by this Convention with regard to the elimination of discrimination on the basis of political opinion. In this respect, no indication was given by the Government representative to the Conference Committee in 1979, but, according to the Government's recent report, the constitutional law committees of the Federal Assembly in 1978 discussed the question of the application of the Labour Code, especially as regards dismissals, and recommended to the Ministry of Labour and Social Affairs to ensure the correct implementation of the Code in practice and to the President of the Supreme Court to take the necessary supervisory measures in co-operation with the Supreme Courts of the Republics so that the practice of the Courts in the matter should assist the fulfilment of commitments resulting from international conventions. The constitutional law committees of the Federal Assembly were to be informed of the results in 1979. The Committee hopes that the Government will provide detailed information on the measures taken in this matter, particularly on any changes that may have taken place with regard to the above-mentioned opinion given by the Public Prosecutor of the Republic or the conclusions drawn therefrom by the courts or, more generally, on any opinions, instructions or other decisions that may have been issued to

clarify the conditions of interpretation and application of the national legislation in a manner consistent with the Convention.¹

Federal Republic of Germany (ratification: 1961)

The Committee has been informed that the Governing Body, at its 211th Session (November 1979), declared the closure of the procedure initiated following a representation by the World Federation of Trade Unions under article 24 of the Constitution of the ILO, and took note of the report of the tripartite committee that had been set up to consider the representation. The Committee is thus called upon to resume, in accordance with the usual procedure, the examination of the application of the Convention, on which a report by the Government will be due in October 1980. The Committee notes with interest that according to the report of the committee of the Governing Body new rules for the verification of loyalty to the Constitution were adopted in January 1979 for the federal administration and came into force in April 1979, new rules that should secure the respect for the desired guarantees and limit investigation to special cases in which there are serious and justified doubts regarding the reliability or restraint that may be expected from applicants for employment in the public service, with particular reference to the nature of the posts they are to occupy. The Committee hopes that the next report of the Government will contain in particular detailed information on the effects of these new principles in the light of their application in practice. It also hopes that it will contain information on the development of the situation in the Länder - which, as the committee of the Governing Body has noted, have been able, by virtue of their administrative autonomy, to apply stricter provisions - and on the measures that the federal authorities may have adopted or may consider adopting in this connection, taking into account the principles of the Convention.

Guinea (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:

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

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

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.

Liberia (ratification: 1959)

Having noted with interest from the information supplied by the Government in reply to its previous observation that the Public Land Law (containing different conditions for aborigines and other citizens of the Republic in matters of rights to land) will be superseded by a new Public Land Law, the Committee would be grateful if the Government would provide a copy of the new adopted or proposed Public Land Law with its next report.

The Committee hopes that the Government will be able to supply, as already requested, a copy of the proposed new Labour Code in which, as indicated by the Government, specific provisions to prevent discrimination in employment are included.

Madagascar (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that section 8 of the General Civil Service Rules, under which the employment of female staff in posts of responsibility can be limited to 10 per cent, has been repealed by section 6 of Act No. 79-014 of 16 July 1979 respecting the General Civil Service Rules.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Australia, Chad, Dominican Republic, Gabon, Ghana, Iceland, Iran, Iraq, Jamaica, Jordan, Mauritania, Nicaragua, Peru, Qatar, Somalia, Trinidad and Tobago, Yemen, Yugoslavia.

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

Guinea (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:

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.

Liberia (ratification: 1960)

Further to the discussions which took place at the Conference Committee in 1979 in connection with the application of this Convention, the Committee notes with regret from the Government's report that the relevant provisions have not yet been brought into conformity with the Convention. It 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 trusts that the necessary provisions will be adopted in the near future.¹

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

Belgium (ratification: 1963)

Article 2 of the Convention. Referring to its earlier comments, the Committee notes with satisfaction that the Royal Order of 24 November 1978 (section 10) repeals paragraph 4 of section 102 of the Royal Order of 20 July 1973 to issue the Maritime Inspection Regulations, which contained an exemption from the medical certificate that is not provided for by the Convention.

Guatemala (ratification: 1961)

Referring to its earlier observations, the Committee notes that the adoption has not yet taken place of the draft government decree to issue regulations giving effect to this Convention, which was drawn up during the direct contacts held in November 1975 between the competent national services and a representative of the Director-General of the ILO and was to take into account the earlier comments of the Committee on the need to adopt measures giving effect to the provisions of the Convention. The Committee also notes that the Government informed the representative of the Director-General in December 1979 that the draft government decree would be approved in the near future.

The Committee trusts that this draft will be adopted very shortly and requests the Government to be good enough to report any measure taken to this end.²

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

² The Government is asked to report in detail for the period ending 30 June 1980.

Guinea (ratification: 1960)

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

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 from the Government's report that the relevant provisions have not yet been brought into conformity with the Convention. It 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 trusts that the necessary provisions will be adopted at an early date.¹

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

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

Convention No. 114: Fishermen's Articles of Agreement, 1959Guatemala (ratification: 1961)

See under Convention No. 113.¹

¹ The Government is asked to report in detail for the period ending 30 June 1980.

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 would like to point out again the information supplied previously by the Government to the effect that the above-mentioned draft Order would give effect to these Articles of the Convention.

Liberia (ratification: 1960)

See under Convention No. 113, as regards the adoption of a new Labour Code.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Peru, Uruguay.

Convention No. 115: Radiation Protection, 1960

Paraguay (ratification: 1967)

The Committee notes with satisfaction the statement in the Government's report that, with a view to giving effect to the Convention, Resolution No. 678 of 16 July 1979 has been adopted laying down specific measures of protection against ionising radiations.

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In addition, requests regarding certain points are being addressed directly to the following States: Ghana, Guinea, Iraq, Syrian Arab Republic.

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

Guinea (ratification: 1966)

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

Article 7 of the Convention. The Committee notes that only expatriate European workers benefit by the measures taken to allow the partial transfer of earnings to their home area. It hopes that the Government will indicate in its future reports any measures taken to extend these benefits to other classes of migrant workers than those coming from Europe.

Article 10. The Committee would be grateful if the

¹ The Government is asked to report in detail for the period ending 30 June 1980.

Government would provide data on the minimum wage rates in force in the industrial sector and state whether these rates have been fixed in consultation with the employers' and workers' organisations, through the Labour Advisory Board or in some other way.

Article 13. The Committee hopes that provisions will shortly be adopted to regulate forms of savings and protect wage earners against usury.

Article 15. The Committee hopes that measures will shortly be taken to fix a school-leaving age in conformity with that required by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Central African Republic, Ghana, Jamaica, Jordan, Zaire.

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

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

France (ratification: 1974)

Article 3, paragraph 1, of the Convention - branch (d) (invalidity benefit). The Committee takes note with interest of the information provided by the Government at the 65th (1979) Session of the Conference to the effect that the purpose and conditions of granting of the allowance for handicapped adults instituted by Act No. 75-534 of 30 June 1975 make it an assistance benefit that falls by its nature outside the scope of the Convention. The Committee, which has taken note in the past of the comments made by the General Confederation of Labour (CGT), in relation to Convention No. 97, on the conditions of payment of this allowance, considers that its characteristics link it in law to non-contributory social security benefits such as those mentioned in Article 2, paragraph 6(a), of the Convention. The Committee, while taking note of the concern of the Government to exercise caution in its use of the system for the protection of the handicapped, hopes that effect will be given to the Convention on this point by guaranteeing the right to the allowance for handicapped adults to the nationals residing in France of all the States for which the Convention is in force. In this connection, it ventures to call the attention of the Government to the possibility of availing itself of paragraph 2(b) of Article 4 of the Convention by making the grant of the allowance depend on a period of residence, which may be of up to five years.

Guinea (ratification: 1967)

The Committee notes with regret that for the third year in succession the Government has not supplied a report. Moreover, the report examined by the Committee at its 1977 Session did not contain any reply to the comments made. In the circumstances, the Committee is obliged to reiterate its comments hoping that the next report will contain full information and indicate the measures taken on the following points:

Article 4(1) of the Convention. The Government stated in its report for 1970-71 that the term "international conventions" used in section 113 of the Social Security Code was interpreted as referring to Convention No. 118 and that measures would be taken to deal with cases of residence or transfer of residence abroad. The Committee would again ask the Government to state in its next report whether, on that assumption, it has taken steps to ensure that foreign workers who are citizens of a State Member for which the Convention is in force, and their survivors, receive benefits in the form of a pension in the same way as nationals.

Article 5. In its first report the Government stated that old-age and survivors' benefits, death grants and employment injury pensions were paid in cases of residence abroad, but in its report for the period 1970-71 it stated that such payments were subject to the conclusion of agreements with friendly countries. The Committee noted that only one draft agreement of this kind had been planned with Senegal, Mali and Mauritania within the framework of the Organisation of Senegal River States, but that this project was in abeyance. The Committee would stress that, according to the Convention, the payment of the benefits in question must be fully guaranteed in the case of residence abroad, irrespective of the country of residence and even when no agreement has been entered into, both to citizens of Guinea and to citizens of any other State Member which has accepted the obligations of the Convention in respect of the branch in question; agreements with States of residence were justified only as a means of determining, where necessary, the methods of payment. As the legislation in Guinea does not appear to contain any restriction as to the territories in which such benefits may be paid (except for the restriction applying only to the non-nationals mentioned under Article 4 above), the Committee would ask the Government to take the necessary steps to apply the Convention in practice in this respect.

Article 6. Since section 38 of the Social Security Code provides that family allowances are payable only in respect of children residing in Guinea, the Committee would once again ask the Government to state what measures it proposes to take, by bilateral or multilateral agreement with the States concerned or otherwise, to guarantee the payment of family allowances to all workers covered by Guinean legislation in so far as they are nationals of Guinea or of another State Member which has accepted the obligations of the Convention concerning family allowances, in respect of the children of those workers who are resident in any of those States.

Articles 7 and 8. The Government stated, in its report for 1970-71, that steps would be taken by the Government, as soon as the need arose, to participate with other Members for which the Convention was in force in a system for the maintenance of acquired rights and rights in course of acquisition. The Committee noted that a draft agreement, which was in abeyance, had been drawn up with Senegal, Mali and Mauritania. It would ask the Government to indicate in its future reports any measures that may be taken to implement these Articles of the Convention.

Italy (ratification: 1967)

Articles 3, 5 and 10, paragraph 1, of the Convention - branch (a) (old-age benefit). The Committee notes from the information supplied by the Government during the 63rd Session of the Conference (1977), and also in the last report, that the Government maintains its view that the social pension provided for by section 26 of Act No. 153 of 30

April 1969 is on the border between non-contributory social security benefits and social assistance, but should be regarded exclusively as an assistance payment granted in accordance with criteria of need that is independent of the social security system. The Committee can only record its divergence of opinion respecting the description of the above-mentioned payment, recalling that it is granted as of right according to the means of the beneficiary and, consequently, does not constitute an assistance payment falling outside the scope of the Convention, but is a non-contributory social security benefit of the type covered by Article 2, paragraph 6(a), of the Convention. The Committee requests the Government in its next report to provide information on any re-examination of its position regarding the description of the above-mentioned payment for the purpose of giving effect to the Convention.

Jordan (ratification: 1963)

The Committee notes with satisfaction the adoption of the provisional Social Security Law, No. 30 of 1978, which covers all branches of the Convention that have been accepted by the Government. It hopes that this Law will come into force soon and that it will give full effect to the provisions of the Convention.

The Committee is addressing a request directly to the Government concerning Article 4, paragraph 1, Article 5, paragraph 1, and Article 7 of the Convention.

Norway (ratification: 1963)

The Committee notes with satisfaction the adoption of the Royal Decree of 26 May 1978, which gives full effect to the provisions of Article 5 in respect of branch (f) (survivors' benefit) - and Article 10, paragraph 1, of the Convention, whose application has been the subject of comment by the Committee.

Suriname (ratification: 1976)

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

Articles 4 and 5 of the Convention - branch (g) (employment injury benefits). It recalls that section 6, paragraph 8, of Decree No. 145 of 10 September 1947, as amended and supplemented by Ordinance No. 164(d) of 24 November 1975, provides that the right to cash benefits shall be forfeited if the beneficiary, whatever his nationality, leaves the country without the consent of the employer before the end of the three-year period following the accident during which the degree of disablement can be reviewed. The Committee is bound to observe once more that this provision is contrary to the Convention, under which employment injury pensions (cash benefits for disability presumed to be permanent) must continue to be paid without restriction even if the beneficiary, whether a national or a subject of a State that has accepted the obligations of the Convention for this branch, transfers his residence outside the territory. The Committee again expresses the hope that the restriction on the payment of cash benefits abroad may be abolished, at least from the time when the disability is considered to be permanent, even if its degree may still have to be reviewed (but without prejudice to

any arrangements made, for example, under Article 11 of the Convention, for the checking of the injured person's condition when resident abroad).

Syrian Arab Republic (ratification: 1963)

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

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 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, Brazil, Central African Republic, Ecuador, Finland, France, Federal Republic of Germany, Ireland, Israel, Italy, Jordan, Libyan Arab Jamahiriya, Madagascar, Norway, Sweden, Tunisia, Turkey, Zaïre.

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

Convention No. 119: Guarding of Machinery, 1963

Central African Republic (ratification: 1964)

Further to its general observation the Committee recalls that it has drawn attention in previous comments to the need to ensure the application of the following requirements of the Convention.

Article 2. Section 39, paragraph 3, of General Order No. 3728 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. No laws or regulations have been adopted to ensure that workers are informed of the provisions of national legislation concerning the guarding of machinery.

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 reiterates its hope that appropriate measures will be taken in the very near future to ensure the full application of the Convention.

Ghana (ratification: 1965)

Articles 1 and 17 of the Convention. The Committee notes that the operational constraints of the Factories Inspectorate have not yet made it possible to promulgate draft regulations extending the scope of the Factories, Offices and Shops Act to forestry, agriculture and road and rail transport. It notes also that the attention of national authorities concerned with mining, road and rail transport and shipping has been drawn to the need to extend the application of their various regulations to cover the provisions of the Convention. The Committee once again expresses the hope that laws or regulations will be introduced in the near future to ensure full application of the requirements of the Convention to agriculture and forestry, mining, road and rail transport and shipping, and requests the Government to provide a copy of the mining regulations referred to in the report.

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 in which it noted that no change had 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.

Jordan (ratification 1964)

The Committee notes the information concerning the application of Articles 16 and 17 of the Convention. It notes further that no express provisions exist concerning the sale, hire, transfer and exhibition of machinery as required by Part II of the Convention. The Committee reiterates its hope that as a result of the current revision of the labour legislation, provisions will be enacted to give effect to the basic requirements of the Convention.

Kuwait (ratification: 1961)

The Committee notes with satisfaction that Ministerial Order No. 43 of 1979 concerning protection against occupational hazards at the workplace gives effect to Part III of the Convention prohibiting the use of machinery without appropriate guards. The Committee recalls

that at present no provisions exist relating to the sale, hire, transfer in any other manner or exhibition of inadequately guarded machinery, and hopes that appropriate provisions will be adopted soon to give effect to Part II of the Convention in all branches of economic activity, and that the Government will provide the information referred to in a direct request.

Madagascar (ratification: 1964)

Articles 2 to 4 of the Convention. The Committee notes that the Order concerning the prohibition of the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards, to which the Government referred in its previous reports, has not yet been adopted. The Committee reiterates its hope that such an order will be issued shortly and will ensure the application of these provisions of the Convention, more particularly the requirements regarding the hire, transfer in any other manner and exhibition of such machinery.

Article 17. The Committee notes the information supplied by the Government with regard to this Article.

Sierra Leone (ratification: 1964)

The Committee recalls that, pending the adoption of Rules under the Factories Act 1974, the guarding of machinery is governed by the Machinery (Safe Working and Inspection) Act and Rules which however do not give effect to Part II of the Convention (sale, hire, transfer in any other manner and exhibition of unguarded machinery); nor do they apply to road and rail vehicles or to shipping, whereas Article 17 requires that the Convention be applied in all branches of economic activity.

In previous reports, the Government indicated that effect would be given to all the provisions of the Convention by Rules to be issued under the Factories Act, 1974. In its latest report, the Government refers to a draft proposal for a new Factories Act which will include the requirements of the Convention and apply to all areas of economic activity including road and rail vehicles, agricultural machinery, mines and shipping.

The Committee reiterates its hope that provisions will be adopted soon to give effect to all the substantive requirements of the Convention and that these provisions will apply to all branches of economic activity.

Tunisia (ratification: 1970)

The Committee notes that its observation on the need to draw up an order establishing the list of machines and parts thereof which must be furnished with protective devices has been communicated to the Ministry of Industry, Mines and Energy. It recalls that the Government has already referred in the past to work on a draft order for this purpose. It hopes therefore that an appropriate text 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 Article 6, paragraph 1.

Turkey (ratification: 1977)

Following the discussions on the application of this Convention, which took place in the Conference Committee in 1979, the Committee notes with regret that the Government's report has not been received. It recalls that in its previous observation it noted that circular No. 1978/ZO dated 12 July 1978 had been issued by the Prime Minister requiring the Ministry of Industry and Technology to take measures to prevent, inter alia, the sale, hire, transfer or exhibition of machinery not conforming to appropriate standards of safety. It expressed the hope that these measures would include legally binding rules to apply the provisions of Part II of the Convention (the prohibition of the sale, hire, transfer in any other manner and exhibition of unguarded machinery, including the introduction of appropriate penalties). It also expressed the hope once again that regulations would be adopted to give effect to the Convention in the agricultural sector and in sea and air transport and to require 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 in accordance with Article 10, paragraph 1. The Committee trusts that measures will now be taken to ensure the full application of the Convention.¹

Zaire (ratification: 1967)

The Committee notes from the Government's report for the period ending 30 June 1978 and the information communicated to the Conference Committee in 1979 that legislation has not yet been adopted to give effect to the following provisions of the Convention, referred to in previous comments:

Articles 2 to 4 of the Convention. There are no provisions prohibiting the sale, hire, transfer or exhibition of machinery without appropriate guards.

Article 17, in relation with Article 1, paragraph 3. Although the Government has stated that the Convention is enforced in the agricultural sector by virtue of the powers conferred on the Department of Agriculture, there are no legislative provisions which ensure its implementation in that sector.

The Committee reiterates its hope that the necessary legislation will be adopted in the near future.

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

Convention No. 120: Hygiene (Commerce and Offices), 1964Guinea (ratification: 1966)

The Committee notes with regret that for the second consecutive year the Government's report has not been received. It must therefore

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

repeat its previous observation which read as follows:

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 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.

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In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Guatemala, Jordan.

Convention No. 121: Employment Injury Benefits, 1964

Guinea (ratification: 1967)

The Committee notes with regret that for the third year in succession the Government has supplied no report. The report supplied in 1977, moreover, contained no reply to the earlier comments of the Committee. In these circumstances, the Committee can only repeat its comments in the hope that a report will be supplied for examination at its next session, that it will contain full information and will indicate the measures taken on the following points:

1. Article 4 of the Convention. The Government had indicated that a new Social Security Code was being prepared and would cover all workers employed in the Republic of Guinea without exception, including "persons holding permanent jobs in a government administrative office or in its subsidiary services or in national public establishments", who are not at present covered by the social insurance scheme and therefore not entitled to compensation for employment injuries. The Committee hopes that the new Code will be adopted soon and, in the meantime, it would ask the Government to state whether the group of workers in question is covered by any special compensation scheme.

2. Article 8. The Government had stated that the new Social Security Code would contain the complete list of occupational diseases appearing in the schedule to Convention No. 121. The Committee hopes that the new Code will, in particular, take account of the following points:

- (a) items 2, 3, 4, 5, 6, 7, 9, 12, 13 and 14 of Schedule I to the Convention should be included in the list in the national legislation (these items refer respectively to diseases caused by beryllium (glucinium), phosphorus, chromium, manganese, arsenic, mercury, carbon bisulphide and the toxic compounds of each of these substances, and also diseases caused by the nitro- and amino-toxic derivatives of benzene or its homologues, diseases caused by ionising radiations and primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene or the compounds, products or residues of these substances);
- (b) the list in the national legislation should not refer merely to silicosis (as is done in point 8 of section 136 of the Social Security Code at present in force), but should be supplemented so as to include other pneumoconioses caused by sclerogenic mineral dusts (anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death (see item 1 of Schedule I to the Convention);
- (c) the list in the national legislation (point 5 of the section mentioned above), which refers only to poisoning by carbon tetrachloride, should be drafted in general terms, as is done in the Convention (item 10 of Schedule I), so as to cover all diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series);
- (d) the list in the national legislation (point 6 of the section mentioned above), which refers to anthrax infection, should be supplemented so as to indicate the work that involves a presumption of the occupational origin of the disease, as shown in the right-hand column of item 15 of Schedule I to the Convention, taking account, however, of the obligations arising out of Convention No. 18.

3. Article 15, paragraph 1. The new Social Security Code should also give full effect to the provision of the Convention, under which the conversion of periodical payments into a lump sum should only be authorised in exceptional circumstances and when the competent authority has reason to believe that such lump sum will be used in a manner which is particularly advantageous for the injured person.

4. Article 18, paragraph 1. Section 108 of the present Social Security Code provides for the granting of a pension to the "surviving spouse". The Government is requested to state whether this term includes a widower, at least as long as he is disabled and dependent, as specified in the Convention.

5. Articles 19 and 20 (in conjunction with Articles 13, 14 and 18). The Government had indicated that the Social Security Fund had been asked to supply information on the application of these Articles and the following Articles of the Convention. The Committee asks the Government, in its future reports, to provide all the information required by the report form, including statistical information, to show that the amount of benefit paid in cases of temporary incapacity, permanent incapacity and the death of the breadwinner, as laid down in Schedule II to the Convention, is assured, family allowances paid before, or possibly during, the contingency being taken into consideration. The Government is requested to state whether Article 19 or Article 20 of the Convention is taken as the basis for deciding whether the required amount has been reached.

6. Article 21. The Government is requested to supply the information required by the report form and state whether the rates of pensions have been reviewed during the period covered by each report.

7. Article 22, paragraph 2. The Government is requested to state whether steps have been taken, where benefits have been suspended, to ensure that part of these benefits can be paid to the dependants of the person covered in the cases and within the limits prescribed by national law.

8. Article 23. The Government is requested to state what right of appeal exists if benefits are refused in disputes other than those concerning the assessment of incapacity, which are governed by section 84 of the Social Security Code.

9. Article 25. The Government is requested to state what responsibility the Government takes for guaranteeing the payment of benefits in practice.

10. Furthermore, the Committee, with reference to point V of the report form, asks the Government to indicate how the Convention is applied in practice (as shown, for example, by extracts from the administrative reports of the National Social Security Fund).

The Committee also requests the Government to indicate whether the new Social Security Code has been adopted and, if so, to communicate a copy thereof.¹

Japan (ratification: 1974)

Article 8 of the Convention. With reference to its previous comments, the Committee notes with satisfaction that diseases caused by beryllium or its toxic compounds have been included - as required by the Convention - in the list of occupational diseases established by Ministry of Labour Ordinance No. 11 of 30 March 1978 in the framework of the revision of section 35 of the Enforcement Ordinance of the Labour Standards Law.

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

Convention No. 122: Employment Policy, 1964

GENERAL OBSERVATION

In examining the reports made by governments on the application of this Convention, the Committee has noted that there are several areas in which similar problems often arise in ratifying States, or in which governments' reports are not always entirely satisfactory.

The first problem is that of statistics. While the Committee recognises that in many countries the system of collection and analysis

¹ The Government is asked to supply full particulars to the Conference at its 66th Session.

of statistical information on employment issues has not yet been greatly developed, it reiterates the call it has made for an increased effort in this regard. Without reliable information on where the problems lie and especially on the changes in the employment situation from year to year, it is impossible to assess the steps necessary to meet the Convention's requirement of a policy for the promotion of full, productive and freely chosen employment. This could be an appropriate subject for technical co-operation.

The second area is in the field of economic planning. The Committee has noted in several cases that employment needs and policies are not given sufficient attention in the planning process, and that all the relevant ministries and other government bodies are not consulted in this regard. It hopes governments will take steps to include all concerned bodies in the planning procedures, that they will take account of employment problems and needs, and that they will ensure that their reports indicate what steps have been taken in this wider context.

The third problem is that of consultations with those affected by employment policies, in particular the representatives of the employers' and workers' organisations. Many governments' reports make no mention of any consultations which may have taken place in this regard; or the information in the reports indicates that consultations, if they take place at all, are inadequate to ensure the full participation of employers' and workers' organisations in the planning process. The Committee therefore hopes that governments will take steps to associate representatives of these organisations in the planning process, and will indicate what machinery of a formal or informal nature they have developed for that purpose.

Guinea (ratification: 1966)

The Committee notes with regret that for the fourth 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.

The Committee hopes that the Government will make every effort to send a report containing the information requested in the report form.

Ireland (ratification: 1967)

Further to its previous observation, the Committee notes with satisfaction the adoption of the Employment Equality Act, 1977 which prohibits discrimination in employment on grounds of sex or marital status, in accordance with Article 1, paragraph 2(c) of the Convention, and requests the Government to provide information in future reports on its impact on the employment of women.

The Committee further notes with interest the establishment in 1977 of a Department of Economic Planning and Development to promote and co-ordinate economic and social planning, and the introduction of a formal planning system designed to ensure a co-ordinated approach to the development of the economy, with the pursuit and attainment of full employment as the most important objective.

The Committee recalls that the general level of unemployment in 1978 was 10.7 per cent and hopes that the introduction of the new system of co-ordinated economic and social planning has led to the adoption of policies and measures for the creation of new employment opportunities. The Committee notes in this respect that, following consultations with the various interest groups and in particular organisations of employers and workers, the Government intended to publish a Programme for National Development 1978-81. It requests the Government to provide a copy of this Programme and full particulars of the measures taken for its implementation as well as of the results achieved in regard to unemployment, both generally and with particular reference to young persons. The Committee also requests the Government to supply information on the proposed measures for a reduction in working time, for which the Irish Congress of Trade Unions (ICTU) has expressed support in observations addressed to the ILO on the application of the Convention.

Israel (ratification: 1970)

The Committee notes the brief indications given in reply to its previous direct request. It notes that the Government's reports have not so far contained sufficiently detailed information to enable the Committee to assess the employment policies of the country, and hopes that in future reports the Government will be able to supply more detailed information in reply to its comments and to the various questions in the report form approved by the Governing Body. It points out in this connection that many aspects of employment policy go far beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may require consultation with the other ministries or government agencies concerned.

The Committee hopes that in particular the Government will provide more detailed information on the evolution of the levels of employment and unemployment in the period covered by the report, on the means by which employment questions are taken into consideration in planning, on consultations on this subject with organisations of employers and workers, and on the measures taken to maintain a high level of employment.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Barbados, United Republic of Cameroon, Chile, Costa Rica, Iran, Jordan, Libyan Arab Jamahiriya, Madagascar, Mauritius, Netherlands, Papua New Guinea, Senegal, Turkey, Uruguay, Yugoslavia.

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

Australia (ratification: 1971)

With reference to its earlier comments, the Committee notes the information provided by the Government in its last report. In particular, it takes note with satisfaction of the measures adopted to give effect to the provisions of the Convention on the following points:

Tasmania

Article 4, paragraph 4(b), of the Convention. Regulation 12 of the Industrial Relations Regulations 1977 prescribes the particulars to be contained in the employer's record, in accordance with this provision of the Convention.

Northern Territory

Articles 4 and 5. Section 42 of the Mines Safety Control Ordinance (No. 3 of 27 January 1977) contains provisions conforming to these Articles of the Convention.

New South Wales

Article 2. Under section 26 of the Mines Inspection Act, as amended by Act No. 62 of 1977, the prohibition on employing persons under 16 years of age underground applies also to apprentices and trainees.

Rwanda (ratification: 1970)

With reference to its earlier observations, the Committee notes from the report that a draft order has been prepared under section 124 of the Labour Code with a view to prohibiting underground work by persons aged less than 18 years. The Committee again expresses the hope that this text will be adopted very shortly and that it will also lay down appropriate penalties to ensure the observance of the prescribed minimum age, in accordance with Article 4, paragraph 1, of the Convention, and the keeping of the records and lists provided for by paragraphs 4 and 5 of the same Article as well as the availability of these lists to the workers' representatives. The Government is requested to report any progress occurring.

Zambia (ratification: 1967)

With reference to its earlier comments, the Committee notes with interest that a draft regulation amending section 2117 of the Mines Regulations 1971 provides for the restriction to persons over 16 years of age of the exception for purposes of apprenticeship or vocational training to the prohibition of underground work. It hopes that the text will be adopted shortly and requests the Government to provide a copy of it.

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In addition, requests regarding certain points are being addressed directly to the following States: Cyprus, Kenya, Madagascar, Malaysia, Uganda.

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

Requests regarding certain points are being addressed directly to the following States: Jordan, Madagascar.

Convention No. 125: Fishermen's Competency Certificates, 1966

Sierra Leone (ratification: 1972)

Referring to its earlier comments, the Committee notes that the Fisheries Division of the Ministry of Natural Resources, with the assistance of a legal consultant, is working towards the preparation of legislation on fisheries that will include provisions on fishermen's certificates of competency.

The Committee trusts that the present efforts will rapidly lead to the adoption of national legislation in conformity with the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Brazil, France, Panama, Senegal, Trinidad and Tobago.

Convention No. 126: Accommodation of Crews (Fishermen), 1966

Panama (ratification: 1971)

Article 3 of the Convention. Referring to its earlier comments, the Committee regrets to note that the report of the Government mentions no progress in drawing up the regulations referred to in earlier reports that were to ensure the application of the Convention to every fishing vessel registered in the country. The Committee trusts that the Government will not fail to take the necessary measures to give effect to the Convention, possibly by availing itself of the technical co-operation of the ILO, as it expressed its intention of doing at the Conference in 1976.²

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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 -----

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

² The Government is asked to report in detail for the period ending 30 June 1980.

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.

The Committee notes with interest that the Bill concerning the prevention of occupational hazards provides for the limitation of the weight of loads to be carried by adult male workers. It also notes that regulations to be issued under the Bill once it has become law will incorporate the provisions of the Convention and that provisions are in the course of elaboration concerning the work of women and young workers. 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.

Italy (ratification: 1971)

1. Self-employed porters. The Committee notes that self-employed workers carrying out portage activities are not excluded from the scope of labour inspection. The Committee hopes therefore that either through the Central Commission for the Regulation of Portage or otherwise appropriate measures will be taken to ensure that effect is given to the Convention with regard to this category of workers.

2. Workers employed in manual transport of loads in various branches of economy. In its first report the Government expressed the view that since the manual transport of loads in industry, agriculture and other sectors constituted an incidental element in the work of employed persons, it did not come within the scope of the Convention. The Committee has pointed out that the term "regular manual transport of loads" means, inter alia, "any activity which normally includes, even though intermittently, the manual transport of loads". It once again expresses the hope that the Government will take appropriate steps to apply the Convention to employed adult males in all branches of economic activity in respect of which it maintains a system of labour inspection.

3. Women workers. The Committee notes that by virtue of Act No. 903 dated 9 December 1977 concerning equal treatment of men and women in employment, section 11 of Act No. 653 dated 26 April 1934 to limit the weight of loads carried by women has been repealed. It notes further that according to Act No. 903 only collective agreements may derogate from the principle of equal access to employment "by reason of particularly arduous jobs".

The Committee therefore requests the Government to indicate the measures taken or contemplated to ensure that effect is given to Article 7 of the Convention with regard to women workers, whether through the terms of collective agreements or otherwise.¹

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

Madagascar (ratification: 1971)

The Committee notes that no measures have yet been taken to limit the weight which may be carried by adult men but that its comments will be taken into consideration when provisions are made to give effect to the requirements of the Convention. It reiterates the hope that such provisions will be adopted soon and will ensure the application of the Convention to adult male workers.

Tunisia (ratification: 1970)

The Committee notes with interest that studies are underway with a view to the elaboration of regulations concerning the manual transport of loads. It recalls that at present there are no national provisions to give effect to the Convention. It hopes that the regulations will be adopted soon, that they will apply the requirements of the Convention in all sectors of the economy in respect of which a system of labour inspection is maintained and that the employers' and workers' organisations concerned will be consulted in accordance with Article 8 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Chile, Costa Rica, France, Madagascar, Nicaragua, Panama, Turkey.

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

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

Requests regarding certain points are being addressed directly to the following States: Barbados, Switzerland.

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

Requests regarding certain points are being addressed directly to the following States: Denmark, Finland, Federal Republic of Germany, Guyana, Madagascar, Malawi, Netherlands, Norway, Romania, Syrian Arab Republic, Upper Volta.

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

A request regarding certain points is being addressed directly to Costa Rica.

Convention No. 131: Minimum Wage Fixing, 1970

Requests regarding certain points are being addressed directly to the following States: Nepal, Nicaragua, Sri Lanka, Yemen.

Information supplied by the United Republic of Cameroon in answer to a direct request has been noted by the Committee.

Convention No. 132: Holidays with Pay (Revised), 1970

Requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Iraq, Madagascar, Yemen, Yugoslavia.

Convention No. 133: Accommodation of Crews (Supplementary Provisions), 1970

Requests regarding certain points are being addressed directly to the following States: Finland, Greece, Mexico, New Zealand, Romania, Uruguay.

Convention No. 135: Workers' Representatives, 1971Federal Republic of Germany (ratification: 1973)

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

The Committee recalls that the German Confederation of Trade Unions (DGB) has reported that an orthopaedic establishment employing some 900 workers and managed by the Evangelical Church prohibits all trade union activities among its workers. The Government has provided a copy of the decision of the Federal Labour Court, which finds against the establishment. The establishment has lodged an appeal to the Federal Constitutional Court. The affair is still sub judice and the Government states that the findings will be transmitted to the Committee as soon as possible.

The Committee notes the information and will resume consideration of this matter when it is in possession of the findings.

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In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Gabon, Norway, Sri Lanka, Suriname, Upper Volta, Yemen.

Information supplied by Finland, Netherlands, Senegal and the Syrian Arab Republic in answer to a direct request has been noted by the Committee.

Convention No. 136: Benzene, 1971**Iraq** (ratification: 1972)

The Committee notes with satisfaction that the Directives concerning the protection against the risks of poisoning due to benzene, 1978, give substantial effect to the requirements of the Convention. The outstanding points of detail are dealt with in a request addressed directly to the Government.

Ivory Coast (ratification: 1972)

The Committee notes once again that the Government's report contains no reply to its previous comments. It hopes that the next report will include full information on the matters raised in its previous direct request, which read as follows:

Article 1, Article 3, paragraph 1, and Article 4 of the Convention. The Committee notes that, under the national regulations (Decree No. 67-321 of 21 July 1967), the application of the provisions on the prevention of benzene poisoning (establishments and occupations covered; possible exceptions; prohibition of use as a solvent) is determined on the basis of the level of distillation of products containing benzene that are used. Since the scope of the Convention is determined on the basis of a benzene content of 1 per cent by volume of products used, the Committee expresses the hope that the Government may contemplate taking appropriate measures to bring the national regulations into harmony with the terms of the Convention.

Article 2. The Government is requested to indicate the measures taken or contemplated to prescribe expressly the compulsory use of harmless or less harmful substitute products, where available, instead of benzene and products containing benzene.

Article 6, paragraph 2. According to the Notice concerning benzolism (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), existing means of ventilation must guarantee a maximum concentration of benzene in the air equal to 0.1 g/m³. The Committee expresses the hope that the Government will be able to bring the national provisions into conformity with the terms of the Convention, which prescribes the maximum level as 80 mg/m³.

Article 8, paragraph 1. The Government is requested to indicate the measures taken or contemplated to prescribe means of personal protection against the risk of absorbing benzene through the skin.

Article 11, paragraph 2. According to the Recommendations to physicians (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), male workers under 18 years of age should be considered to be unsuitable for work liable to provoke benzene poisoning, unless special permission is given by the physician; medical supervision is also prescribed for any persons engaged. The Government is requested to indicate the measures taken or contemplated to ensure that the employment of such persons will be permitted only for their training and education and subject to adequate technical supervision, as prescribed by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Colombia, Cuba, Ecuador, Finland, France, Federal Republic of Germany, Iraq, Kuwait, Morocco, Romania, Switzerland, Uruguay, Yugoslavia, Zambia.

Convention No. 137: Dock Work, 1973

A request regarding certain points is being addressed directly to Costa Rica.

Information supplied by Australia, Cuba and Romania in answer to a direct request has been noted by the Committee.

Convention No. 138: Minimum Age, 1973

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Cuba, Finland, Romania, Spain, Uruguay.

Convention No. 139: Occupational Cancer, 1974

Requests regarding certain points are being addressed directly to the following States: Ecuador, Federal Republic of Germany, Hungary, Norway, Peru, Sweden.

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

Convention No. 140: Paid Educational Leave, 1974

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

Convention No. 141: Rural Workers' Organisations, 1975

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

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the following States: Hungary, Norway, Switzerland.

**Convention No. 144: Tripartite Consultation (International Labour Standards)
1976**

Sweden (ratification: 1977)

The Committee notes with interest the Government's first report on the application of this Convention. Attached to the report were two letters from the Swedish Employers' Confederation objecting to the composition of the Swedish ILO Committee, which is the body in Sweden responsible for carrying out the consultations required by this Convention.

The situation which has given rise to this objection is as follows: the Swedish ILO Committee, which already existed at the date of ratification of the Convention, consists of nine members, three of whom represent the Government, three the employers and three the workers. Two of the employer members are nominated by the Swedish Employers' Confederation (whose members employ 1,342,000 persons) and the third by either the Swedish Association of Local Authorities (employers of 560,000 workers) or the Federation of Swedish County Councils (employing 320,000 persons).

The Swedish Employers' Confederation expresses the view that the employers' delegation on the ILO Committee should consist exclusively of its nominees. It questions the extent to which institutions of the kind through which public administrative authorities negotiate with their employees can be considered as representative in comparison to organisations of commercial enterprises and points out that the activities of local authorities and county councils are essentially of a non-business, administrative nature and are financed by rates and taxes; it concludes that representatives of the organisations of these bodies should sit on the ILO Committee as government representatives rather than as employers' representatives. In its report, the Government expresses the view that the fact that local authority and county council activities are mainly non-commercial and financed by taxes is irrelevant; it adds that the two organisations concerned are invited to take part in the work of the ILO Committee in their capacity as employers' organisations and that it cannot accept the suggestion that they be granted seats within the government representation.

In considering who are "employers" for the purpose of the Convention, it is relevant to bear in mind the subjects on which consultations are to be held in accordance with Article 5. These relate essentially to matters within the competence of the central government and requiring action on the part of the competent national authorities. Consideration at the national level of matters on which consultations are required under the Convention would not seem to involve issues which would affect local government authorities in their capacity as such, but questions which might affect them in their capacity as employers of a substantial section of the labour force. The Committee notes in this regard that it is through the organisations concerned that the local administrative authorities negotiate with their employees or the employees' organisations, a typical function of an employers' organisation.

In any event, as was made clear in the course of the preparatory work, the Convention, by providing for representation of employers and workers "on an equal footing", does not necessarily require strict numerical equality as long as it is ensured that their views are given equal weight. In this connection, account should be taken of the objective of the Convention, namely consultation, which does not normally require the utilisation of binding voting procedures. The

Committee notes that the largest organisations of employers and workers respectively, the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions, are each represented on the Swedish ILO Committee by two members, the third worker member being nominated by the Swedish Central Organisation of Salaried Employees.

In view of the flexible wording of the Convention on this point and of the fact that the functions of the Swedish ILO Committee cover matters which would seem to affect local government authorities essentially in their capacity as employers, it would not seem that the composition of the Swedish ILO Committee is incompatible with the terms of Article 3, paragraph 2, of the Convention.

Convention No. 146: Seafarers' Annual Leave with Pay, 1976

France (ratification: 1978)

The Committee takes note of a communication from the National Federation of Maritime Trade Unions on the application of the Convention. It also takes note of the reply of the Government. The Committee will examine the question at its next session in the light of the detailed information that the Government is to provide in its first report on the application of the Convention, which will be due in October 1980.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
(States Members) as at 26 March 1980**

(Article 22 of the Constitution)

Reports received: 1,270 Reports not received: 321 Total: 1,591

| State Member | Reports received | | Reports not received | | Grand total |
|-----------------------|------------------|--|----------------------|---|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Afghanistan | 0 | — | 9 | 13, 14, 41, 45, 95, 100, 105, 106, 111 | 9 |
| Algeria | 15 | 10, 13, 19, 29, 32, 62, 63, 69, 73, 74, 81, 96, 105, 122, 127 | 0 | — | 15 |
| Angola | 23 | 6, 12, 14, 17, 18, 19, 27, 29, 45, 69, 73, 74, 81, 88, 89, 98, 100, 104, 105, 106, 107, 108, 111 | 0 | — | 23 |
| Argentina | 17 | 5, 10, 13, 16, 19, 27, 29, 32, 33, 34, 53, 73, 81, 87, 88, 98, 105 | 0 | — | 17 |
| Australia | 9 | 10, 16, 19, 27, 29, 63, 81, 105, 123 | 0 | — | 9 |
| Austria | 12 | 5, 10, 13, 19, 27, 29, 33, 63, 81, 88, 105, 135 | 0 | — | 12 |
| Bahamas | 20 | 5, 10, 11, 12, 14, 17, 19, 22, 29, 42, 45, 65, 81, 88, 94, 95, 97, 98, 105, 117 | 0 | — | 20 |
| Bangladesh | 8 | 16, 19, 29, 32, 59, 81, 96, 118 | 3 | 27, 105, 106 | 11 |
| Barbados | 11 | 5, 10, 19, 29, 63, 74, 81, 102, 105, 118, 135 | 0 | — | 11 |
| Belgium | 21 | 5, 10, 13, 16, 19, 27, 29, 32, 33, 53, 62, 69, 73, 74, 81, 96, 105, 111, 113, 124, 125 | 0 | — | 21 |
| Benin | 0 | — | 6 | 5, 13, 29, 33, 85, 105 | 6 |
| Bolivia | 1 | 102 | 24 | 5, 19, 26, 78, 81, 88, 89, 90, 95, 96, 107, 111, 117, 118, 120, 121, 122, 123, 124, 128, 129, 130, 131, 136 | 25 |

| State Member | Reports received | | Reports not received | | Grand total |
|------------------------------------|------------------|--|----------------------|--|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Brazil | 11 | 5, 16, 19, 29, 53, 105, 108, 113, 117, 118, 125 | 0 | — | 11 |
| Bulgaria | 19 | 10, 13, 16, 19, 27, 29, 32, 34, 53, 59, 60, 62, 69, 73, 81, 98, 108, 113, 123 | 0 | — | 19 |
| Burma | 6 | 16, 17, 19, 27, 29, 63 | 0 | — | 6 |
| Burundi | 11 | 11, 19, 27, 29, 52, 59, 62, 81, 94, 101, 105 | 0 | — | 11 |
| Byelorussian SSR | 8 | 10, 16, 27, 29, 32, 59, 60, 123 | 0 | — | 8 |
| United Rep. of Cameroon | 11 | 5, 10, 13, 16, 19, 29, 33, 81, 105, 123, 135 | 0 | — | 11 |
| Canada | 8 | 16, 27, 32, 63, 69, 73, 74, 105 | 0 | — | 8 |
| Central African Republic | 0 | — | 28 | 2, 5, 6, 10, 11, 13, 14, 18, 19, 29, 33, 41, 52, 62, 67, 81, 87, 88, 94, 95, 98, 100, 101, 105, 111, 117, 118, 119 | 28 |
| Chad | 0 | — | 17 | 5, 6, 11, 13, 14, 26, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111 | 17 |
| Chile | 12 | 5, 10, 13, 16, 19, 27, 29, 32, 34, 63, 122, 127 | 0 | — | 12 |
| Colombia | 11 | 3, 5, 13, 16, 19, 29, 62, 81, 105, 129, 136 | 0 | — | 11 |
| Comoros | 9 | 5, 10, 13, 19, 29, 33, 81, 100, 105 | 0 | — | 9 |
| Congo | 0 | — | 4 | 5, 13, 29, 33 | 4 |
| Costa Rica | 16 | 29, 81, 92, 94, 95, 96, 98, 105, 107, 113, 114, 120, 127, 129, 135, 138 | 2 | 88, 137 | 18 |
| Cuba | 18 | 13, 16, 19, 27, 29, 32, 53, 63, 81, 96, 105, 108, 113, 135, 136, 137, 138, 141 | 0 | — | 18 |
| Cyprus | 8 | 16, 19, 29, 81, 105, 123, 143, 144 | 2 | 141, 142 | 10 |
| Czechoslovakia | 10 | 5, 10, 13, 19, 27, 29, 34, 63, 111, 123 | 0 | — | 10 |

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

| State Member | Reports received | | Reports not received | | Grand total |
|--------------------------------------|------------------|--|----------------------|------------------|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Democratic Yemen | 5 | 16, 19, 29, 59, 105 | 0 | — | 5 |
| Denmark | 12 | 5, 16, 19, 29, 32, 53, 62, 63, 81, 105, 118, 129 | 0 | — | 12 |
| Djibouti | 17 | 5, 10, 13, 16, 19, 29, 33, 53, 63, 69, 73, 81, 96, 100, 105, 123, 125 | 0 | — | 17 |
| Dominican Republic | 10 | 5, 10, 19, 29, 81, 88, 89, 105, 111, 119 | 0 | — | 10 |
| Ecuador | 10 | 29, 81, 88, 102, 105, 113, 118, 123, 136, 139 | 2 | 141, 142 | 12 |
| Egypt | 9 | 1, 19, 29, 63, 74, 81, 96, 105, 107 | 1 | 53 | 10 |
| El Salvador | 0 | — | 2 | 105, 107 | 2 |
| Ethiopia | 1 | 87 | 0 | — | 1 |
| Fiji | 5 | 19, 29, 59, 85, 105 | 0 | — | 5 |
| Finland | 22 | 13, 16, 19, 27, 29, 32, 53, 62, 63, 73, 81, 96, 105, 118, 129, 134, 135, 136, 138, 139, 141, 142 | 0 | — | 22 |
| France | 26 | 5, 10, 13, 16, 19, 29, 33, 53, 62, 63, 69, 73, 74, 81, 85, 96, 97, 105, 113, 118, 123, 125, 127, 129, 135, 136 | 3 | 27, 32, 137 | 29 |
| Gabon | 12 | 5, 10, 13, 19, 29, 33, 81, 96, 105, 111, 123, 135 | 0 | — | 12 |
| German Democratic Republic | 8 | 16, 27, 45, 47, 120, 127, 135, 140 | 1 | 108 | 9 |
| Fed. Rep. of Germany | 18 | 16, 19, 27, 29, 62, 63, 73, 81, 96, 105, 113, 118, 129, 134, 135, 136, 138, 139 | 0 | — | 18 |
| Ghana | 26 | 1, 8, 11, 14, 16, 19, 22, 23, 29, 30, 59, 69, 74, 81, 87, 94, 96, 98, 100, 105, 106, 107, 111, 115, 117, 119 | 0 | — | 26 |
| Greece | 13 | 5, 13, 16, 19, 27, 29, 69, 81, 89, 90, 105, 134, 136 | 0 | — | 13 |
| Grenada | 4 | 5, 10, 19, 81 | 3 | 16, 29, 105 | 7 |
| Guatemala | 15 | 19, 30, 62, 63, 81, 87, 88, 95, 96, 98, 105, 113, 114, 118, 120 | 0 | — | 15 |

REPORT OF THE COMMITTEE OF EXPERTS

| State Member | Reports received | | Reports not received | | Grand total |
|-------------------------|------------------|---|----------------------|--|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Guinea | 0 | — | 37 | 5, 10, 11, 13, 14, 16, 29, 33, 45, 62, 81, 87, 89, 90, 94, 95, 98, 99, 100, 105, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 132, 134, 135, 136, 139, 140 | 37 |
| Guinea-Bissau | 0 | — | 16 | 6, 14, 19, 27, 29, 69, 73, 74, 81, 98, 100, 105, 106, 107, 108, 111 | 16 |
| Guyana | 7 | 5, 10, 19, 29, 81, 105, 129 | 0 | — | 7 |
| Haiti | 5 | 5, 19, 29, 81, 105 | 1 | 111 | 6 |
| Honduras | 4 | 29, 32, 62, 105 | 0 | — | 4 |
| Hungary | 14 | 6, 10, 13, 16, 19, 27, 29, 48, 62, 123, 135, 136, 139, 142 | 0 | — | 14 |
| Iceland | 2 | 29, 105 | 0 | — | 2 |
| India | 10 | 5, 16, 19, 27, 29, 32, 81, 118, 123, 141 | 0 | — | 10 |
| Indonesia | 3 | 19, 27, 29 | 0 | — | 3 |
| Iran | 3 | 19, 29, 105 | 0 | — | 3 |
| Iraq | 7 | 13, 16, 29, 59, 105, 135, 136 | 4 | 19, 27, 81, 92 | 11 |
| Ireland | 12 | 16, 19, 27, 29, 32, 62, 63, 69, 74, 96, 105, 118 | 1 | 81 | 13 |
| Israel | 10 | 5, 10, 19, 29, 48, 53, 81, 96, 105, 118 | 0 | — | 10 |
| Italy | 20 | 10, 13, 16, 19, 27, 29, 32, 48, 53, 59, 60, 69, 73, 81, 96, 105, 108, 118, 123, 127 | 0 | — | 20 |
| Ivory Coast | 10 | 5, 13, 19, 29, 33, 85, 96, 105, 135, 136 | 0 | — | 10 |
| Jamaica | 5 | 16, 19, 29, 81, 105 | 4 | 100, 111, 117, 122 | 9 |
| Japan | 12 | 5, 10, 16, 19, 27, 29, 69, 73, 81, 96, 121, 139 | 0 | — | 12 |
| Jordan | 0 | — | 5 | 29, 81, 105, 118, 123 | 5 |

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

| State Member | Reports received | | Reports not received | | Grand total |
|--------------------------|------------------|--|----------------------|--|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Democratic Kampuchea . . | 0 | — | 5 | 4, 6, 13, 29, 122 | 5 |
| Kenya | 10 | 16, 19, 27, 29, 32, 59, 81, 105, 118, 123 | 1 | 63 | 11 |
| Kuwait | 4 | 1, 29, 81, 136 | 2 | 105, 117 | 6 |
| Lao Republic | 0 | — | 4 | 4, 6, 13, 29 | 4 |
| Lebanon | 0 | — | 24 | 1, 14, 15, 17, 19, 29, 30, 52, 59, 77, 78, 81, 88, 95, 98, 100, 105, 106, 111, 115, 120, 122, 127, 131 | 24 |
| Liberia | 9 | 29, 55, 58, 87, 98, 111, 112, 113, 114 | 5 | 22, 23, 53, 92, 105 | 14 |
| Libyan Arab Jamahiriya . | 0 | — | 19 | 3, 14, 29, 52, 53, 81, 95, 96, 98, 100, 102, 103, 105, 118, 121, 122, 128, 130, 138 | 19 |
| Luxembourg | 9 | 13, 16, 22, 23, 27, 29, 81, 96, 105 | 3 | 19, 28, 138 | 12 |
| Madagascar | 10 | 5, 13, 19, 29, 33, 81, 118, 123, 127, 129 | 0 | — | 10 |
| Malawi | 15 | 12, 19, 45, 50, 64, 65, 81, 86, 89, 98, 99, 100, 104, 107, 129 | 3 | 11, 97, 111 | 18 |
| Malaysia | 3 | 81, 88, 105 | 2 | 29, 123 | 5 |
| Peninsular Malaysia . . | 1 | 19 | 0 | — | 1 |
| Sabah | 1 | 16 | 0 | — | 1 |
| Sarawak | 2 | 16, 19 | 0 | — | 2 |
| Mali | 7 | 5, 13, 19, 29, 33, 81, 105 | 0 | — | 7 |
| Malta | 9 | 5, 10, 16, 19, 29, 32, 81, 88, 105 | 0 | — | 9 |
| Mauritania | 16 | 5, 13, 19, 22, 29, 33, 53, 62, 81, 84, 87, 94, 96, 111, 114, 118 | 1 | 122 | 17 |
| Mauritius | 9 | 16, 19, 29, 32, 59, 63, 74, 81, 105 | 0 | — | 9 |
| Mexico | 18 | 9, 13, 16, 19, 27, 29, 32, 34, 53, 62, 63, 87, 90, 105, 123, 134, 135, 140 | 0 | — | 18 |

REPORT OF THE COMMITTEE OF EXPERTS

| State Member | Reports received | | Reports not received | | Grand total |
|----------------------------|------------------|--|----------------------|---|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Mongolia | 1 | 59 | 0 | — | 1 |
| Morocco | 0 | — | 10 | 13, 19, 27, 29, 30, 81, 94, 105, 106, 136 | 10 |
| Mozambique | 5 | 81, 88, 100, 105, 111 | 1 | 30 | 6 |
| Nepal | 1 | 131 | 0 | — | 1 |
| Netherlands | 20 | 13, 16, 19, 27, 29, 32, 48, 62, 63, 69, 73, 74, 81, 96, 105, 118, 129, 135, 138, 141 | 0 | — | 20 |
| New Zealand | 14 | 10, 16, 29, 32, 53, 59, 63, 74, 81, 82, 84, 97, 105, 134 | 0 | — | 14 |
| Nicaragua | 15 | 1, 2, 5, 8, 10, 13, 16, 19, 27, 28, 29, 30, 87, 98, 105 | 2 | 17, 142 | 17 |
| Niger | 6 | 13, 29, 33, 85, 105, 135 | 0 | — | 6 |
| Nigeria | 5 | 29, 81, 105, 123, 134 | 4 | 16, 19, 32, 59 | 9 |
| Norway | 22 | 10, 13, 19, 27, 29, 32, 53, 59, 63, 69, 73, 81, 96, 105, 118, 129, 134, 135, 139, 141, 142, 144 | 0 | — | 22 |
| Pakistan | 10 | 16, 19, 27, 29, 32, 59, 81, 96, 105, 118 | 0 | — | 10 |
| Panama | 30 | 10, 13, 16, 19, 27, 29, 30, 32, 42, 52, 53, 63, 68, 69, 73, 74, 77, 78, 81, 92, 96, 105, 107, 112, 113, 119, 123, 125, 126, 127 | 0 | — | 30 |
| Papua New Guinea | 8 | 10, 19, 22, 27, 29, 85, 105, 122 | 0 | — | 8 |
| Paraguay | 10 | 1, 29, 59, 60, 77, 81, 87, 105, 115, 123 | 0 | — | 10 |
| Peru | 32 | 1, 9, 10, 14, 19, 20, 22, 23, 27, 29, 32, 44, 52, 53, 55, 59, 67, 68, 69, 73, 77, 79, 81, 87, 90, 98, 101, 105, 111, 113, 114, 139 | 2 | 62, 78 | 34 |
| Philippines | 5 | 53, 59, 77, 90, 105 | 0 | — | 5 |
| Poland | 16 | 13, 16, 19, 27, 29, 62, 69, 73, 74, 96, 99, 105, 119, 123, 127, 135 | 0 | — | 16 |

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

| State Member | Reports received | | Reports not received | | Grand total |
|----------------------------|------------------|--|----------------------|----------------------------|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Portugal | 10 | 19, 27, 29, 69, 73, 74, 81, 87, 105, 135 | 0 | — | 10 |
| Qatar | 2 | 81, 111 | 0 | — | 2 |
| Romania | 14 | 13, 16, 27, 29, 81, 88, 127, 129, 131, 134, 135, 136, 137, 138 | 0 | — | 14 |
| Rwanda | 6 | 19, 26, 62, 94, 105, 123 | 0 | — | 6 |
| Saudi Arabia | 2 | 1, 14 | 0 | — | 2 |
| Senegal | 11 | 5, 10, 13, 19, 29, 33, 81, 96, 105, 125, 135 | 0 | — | 11 |
| Seychelles | 8 | 5, 8, 10, 11, 16, 29, 87, 105 | 0 | — | 8 |
| Sierra Leone | 10 | 16, 17, 19, 29, 32, 59, 81, 105, 119, 125 | 0 | — | 10 |
| Singapore | 7 | 5, 16, 19, 29, 32, 81, 105 | 0 | — | 7 |
| Somalia | 6 | 16, 19, 29, 84, 85, 105 | 0 | — | 6 |
| Former British Somaliland | 0 | — | 1 | 50 | 1 |
| Spain | 27 | 13, 16, 19, 27, 29, 32, 48, 53, 62, 63, 69, 73, 74, 81, 87, 96, 98, 105, 113, 123, 129, 134, 135, 136, 137, 138, 142 | 0 | — | 27 |
| Sri Lanka | 7 | 5, 16, 63, 81, 96, 131, 135 | 1 | 29 | 8 |
| Sudan | 4 | 19, 29, 81, 105 | 0 | — | 4 |
| Suriname | 5 | 13, 19, 27, 29, 96 | 5 | 62, 81, 105, 118, 135 | 10 |
| Swaziland | 4 | 5, 19, 29, 59 | 0 | — | 4 |
| Sweden | 20 | 10, 13, 16, 19, 27, 29, 32, 63, 73, 81, 96, 105, 118, 129, 134, 135, 139, 141, 142, 144 | 0 | — | 20 |
| Switzerland | 16 | 5, 16, 19, 27, 29, 62, 63, 81, 102, 105, 123, 128, 136, 139, 141, 142 | 0 | — | 16 |
| Syrian Arab Republic . . . | 8 | 29, 53, 63, 87, 96, 123, 129, 135 | 6 | 19, 81, 105, 118, 125, 136 | 14 |
| Tanzania | 13 | 11, 12, 16, 19, 29, 59, 63, 64, 86, 94, 95, 98, 105 | 0 | — | 13 |

| State Member | Reports received | | Reports not received | | Grand total |
|-----------------------------|------------------|---|----------------------|--------------------------------------|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Tanganyika | 4 | 32, 45, 81, 101 | 0 | — | 4 |
| Zanzibar | 1 | 85 | 1 | 97 | 2 |
| Thailand | 5 | 14, 19, 29, 105, 123 | 0 | — | 5 |
| Togo | 0 | — | 8 | 5, 6, 13, 29, 33, 41, 85, 95 | 8 |
| Trinidad and Tobago | 0 | — | 6 | 16, 19, 29, 85, 105, 125 | 6 |
| Tunisia | 14 | 13, 16, 19, 29, 59, 62, 73, 81, 105, 113, 118, 119, 123, 127 | 0 | — | 14 |
| Turkey | 10 | 26, 81, 94, 95, 96, 102, 105, 118, 122, 127 | 1 | 119 | 11 |
| Uganda | 7 | 5, 17, 19, 29, 81, 105, 123 | 0 | — | 7 |
| Ukrainian SSR | 11 | 10, 16, 27, 29, 32, 59, 60, 69, 73, 113, 123 | 0 | — | 11 |
| USSR | 11 | 10, 16, 27, 29, 32, 59, 60, 69, 73, 113, 123 | 0 | — | 11 |
| United Kingdom | 17 | 5, 10, 16, 19, 29, 32, 45, 63, 69, 74, 81, 85, 105, 135, 141, 142, 144 | 0 | — | 17 |
| United States | 2 | 53, 74 | 0 | — | 2 |
| Upper Volta | 0 | — | 9 | 5, 13, 19, 29, 33, 81, 129, 135, 143 | 9 |
| Uruguay | 25 | 2, 13, 16, 19, 27, 32, 62, 63, 73, 81, 87, 94, 96, 105, 113, 114, 119, 121, 122, 129, 131, 132, 134, 136, 138 | 0 | — | 25 |
| Venezuela | 0 | — | 7 | 5, 13, 19, 27, 29, 81, 105 | 7 |
| Yemen | 0 | — | 4 | 29, 81, 100, 135 | 4 |
| Yugoslavia | 19 | 5, 13, 16, 19, 24, 25, 27, 48, 53, 56, 69, 73, 74, 81, 98, 113, 122, 123, 126 | 5 | 29, 32, 129, 136, 139 | 24 |
| Zaire | 2 | 29, 81 | 4 | 19, 27, 62, 118 | 6 |
| Zambia | 7 | 19, 29, 105, 123, 135, 136, 138 | 0 | — | 7 |

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

| State Member | Reports received | | Reports not received | | Grand total |
|---------------------------------------|------------------|------------------|----------------------|---|-------------|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| <i>Other States</i> | | | | | |
| Albania ¹ | 0 | — | 15 | 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112 | 15 |
| Lesotho ¹ | 0 | — | 10 | 5, 11, 14, 19, 29, 45, 64, 65, 87, 98 | 10 |
| Nauru | 0 | — | 5 | 19, 21, 27, 29, 105 | 5 |
| Rep. of South Africa ¹ . . | 0 | — | 7 | 2, 19, 26, 42, 45, 63, 89 | 7 |
| Western Samoa | 0 | — | 2 | 14, 29 | 2 |

¹ Albania, 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).

Appendix II. Statistical Table of Reports on Ratified Conventions as at 26 March 1980

(Article 22 of the Constitution)

| Period | Reports requested | Reports received at the date requested | | Reports received in time for the session of the Committee | | Reports received in time for the session of the Conference | |
|-----------|--------------------|--|------------|---|------------|--|------------|
| | | Number | Percentage | Number | Percentage | Number | Percentage |
| 1931-1932 | 447 | — | — | 406 | 90.8 | 423 | 94.6 |
| 1932-1933 | 522 | — | — | 435 | 83.3 | 453 | 86.7 |
| 1933-1934 | 601 | — | — | 508 | 84.5 | 544 | 90.5 |
| 1934-1935 | 630 | — | — | 584 | 92.7 | 620 | 98.4 |
| 1935-1936 | 662 | — | — | 577 | 87.2 | 604 | 91.2 |
| 1936-1937 | 702 | — | — | 580 | 82.6 | 634 | 90.3 |
| 1937-1938 | 748 | — | — | 616 | 82.4 | 635 | 84.9 |
| 1938-1939 | 766 | — | — | 588 | 76.8 | — | — |
| 1943-1944 | 583 | — | — | 251 | 43.1 | 314 | 53.9 |
| 1944-1945 | 725 | — | — | 351 | 48.4 | 523 | 72.2 |
| 1945-1946 | 731 | — | — | 370 | 50.6 | 578 | 79.1 |
| 1946-1947 | 763 | — | — | 581 | 76.1 | 666 | 87.3 |
| 1947-1948 | 799 | — | — | 521 | 65.2 | 648 | 81.1 |
| 1948-1949 | 806 | 134 ¹ | 16.6 | 666 | 82.6 | 695 | 86.2 |
| 1949-1950 | 831 | 253 | 30.4 | 597 | 71.8 | 666 | 80.1 |
| 1950-1951 | 907 | 288 | 31.7 | 705 | 77.7 | 761 | 83.9 |
| 1951-1952 | 981 | 268 | 27.3 | 743 | 75.7 | 826 | 84.2 |
| 1952-1953 | 1 026 | 212 | 20.6 | 840 | 81.8 | 917 | 89.3 |
| 1953-1954 | 1 175 | 268 | 22.8 | 1 077 | 91.7 | 1 119 | 95.2 |
| 1954-1955 | 1 234 | 283 | 22.9 | 1 063 | 86.1 | 1 170 | 94.8 |
| 1955-1956 | 1 333 | 332 | 24.9 | 1 234 | 92.5 | 1 283 | 96.2 |
| 1956-1957 | 1 418 | 210 | 14.7 | 1 295 | 91.3 | 1 349 | 95.1 |
| 1957-1958 | 1 558 | 340 | 21.8 | 1 484 | 95.2 | 1 509 | 96.8 |
| 1958-1959 | 995 ² | 200 | 20.4 | 864 | 86.8 | 902 | 90.6 |
| 1958-1960 | 1 100 | 256 | 23.2 | 838 | 76.1 | 963 | 87.4 |
| 1959-1961 | 1 362 | 243 | 18.1 | 1 090 | 80.0 | 1 142 | 83.8 |
| 1960-1962 | 1 309 | 200 | 15.5 | 1 059 | 80.9 | 1 121 | 85.6 |
| 1961-1963 | 1 624 | 280 | 17.2 | 1 314 | 80.9 | 1 430 | 88.0 |
| 1962-1964 | 1 495 | 213 | 14.2 | 1 268 | 84.8 | 1 356 | 90.7 |
| 1963-1965 | 1 700 | 282 | 16.6 | 1 444 | 84.9 | 1 527 | 89.8 |
| 1964-1966 | 1 562 | 245 | 16.3 | 1 330 | 85.1 | 1 395 | 89.3 |
| 1965-1967 | 1 833 | 323 | 17.4 | 1 551 | 84.5 | 1 643 | 89.6 |
| 1966-1968 | 1 647 | 281 | 17.1 | 1 409 | 85.5 | 1 470 | 89.1 |
| 1967-1969 | 1 821 | 249 | 13.4 | 1 498 | 82.4 | 1 601 | 87.9 |
| 1968-1970 | 1 898 | 360 | 18.9 | 1 463 | 77.0 | 1 549 | 81.6 |
| 1969-1971 | 1 992 | 237 | 11.8 | 1 504 | 75.5 | 1 707 | 85.6 |
| 1970-1972 | 2 025 | 297 | 14.6 | 1 572 | 77.6 | 1 753 | 86.5 |
| 1971-1973 | 2 048 | 300 | 14.6 | 1 521 | 74.3 | 1 691 | 82.5 |
| 1972-1974 | 2 189 | 370 | 16.5 | 1 854 | 84.6 | 1 958 | 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 ³ | 215 | 14.0 | 1 168 | 76.4 | 1 328 | 87.0 |
| -1978 | 1 701 | 251 | 14.7 | 1 289 | 75.7 | 1 391 | 81.7 |
| -1979 | 1 591 | 234 | 14.7 | 1 270 | 79.8 | — | — |

¹ First year for which this figure is available.

² As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions.

³ As a result of a decision by the Governing Body (November 1976) detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. Observations on the Application of Conventions in Non-Metropolitan Territories

(Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

New Zealand

The Committee notes with regret that for the second year in succession the reports due in respect of the application of Conventions in Niue Island and Tokelau 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

The Committee notes with regret that the reports due in respect of the application of Conventions in Antigua, Jersey (for the second year in succession), St. Kitts-Nevis-Anguilla and St. Helena have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

B. INDIVIDUAL OBSERVATIONS

Convention No. 3: Maternity Protection, 1919

Requests regarding certain points are being addressed directly to France (French Polynesia, St. Pierre and Miquelon).

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

United Kingdom

Falkland Islands (Malvinas)

Article 2 of the Convention. In its earlier comments, the Committee pointed out that the restriction provided for by section 157 of the United Kingdom Merchant Shipping Act 1894, read with section 1 of the United Kingdom Merchant Shipping (International Labour Conventions) Act 1925, which legislation has been extended to this territory, is not in conformity with the Convention, since it subordinates the right to unemployment indemnity, in case of loss or foundering of the ship, to the condition that the seaman shall have exerted himself to the utmost to save the ship, cargo and stores.

In the report furnished in May 1979, as well as in the information communicated to the Conference Committee, the Government states, in reply to these comments, that the matter will be considered in the context of the general revision and updating of the laws of the territory, which is still in progress, and that action will shortly be taken in this connection.

The Committee hopes that the necessary measures will be taken in the very near future, in particular following the amendment introduced to the United Kingdom legislation by the Merchant Shipping Act 1979.

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

A request regarding certain points is being addressed directly to France (French Polynesia).

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

Denmark

Greenland

Further to its earlier comments, the Committee notes from the Government's report that the question whether the Merchant Shipping (Masters' and Seamen's) Act of 1973 should be made to apply to Greenland is being examined further.

As the Convention has so far not been given legislative effect in the territory, although it has been declared applicable to Greenland since 1954, the Committee trusts that the necessary measures will be taken shortly.¹

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In addition, a request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

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

United Kingdom

Belize

Article 5 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that the social security legislation that the Government has mentioned in its earlier reports has been adopted and that this legislation (Ordinance No. 6 of 1979) lays down as a general rule the payment of compensation in the form of periodical payments, in accordance with the Convention.

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

Hong Kong

1. The Committee takes note of the reply of the Government to its previous comments and notes with satisfaction that, following the adoption of the Workmen's Compensation (Amendment) (No. 2) Ordinance 1977, the Government has been able to renounce the exclusion from the application of the Convention of Articles 9 and 10, and has declared them applicable with certain modifications. With particular reference to medical and pharmaceutical aid, including hospitalisation (Article 9), the Government states that the competent authorities ensure that the participation, however small and nominal, of the injured workman in the cost of this aid shall not prevent him from benefiting in practice by the protection provided for by the Convention. With regard to the renewal of artificial limbs and surgical appliances (Article 10), the Government states that the Working Party on the Comprehensive Review of the Workmen's Compensation Ordinance, set up in February 1978, has recommended that the employer should be required to pay the assessed cost of the repair and renewal of prostheses or surgical appliances and that after a period of ten years payment should be met from government funds; it adds that pending the enactment of amending legislation, administrative arrangements have been made so that an injured workman can apply direct to the Medical and Health Department for free repair and renewal. The Committee notes this information and hopes that the amending legislation under consideration will be adopted shortly and that it will make it possible to renounce the modifications placed on the full application of the above-mentioned provisions of the Convention, in conformity with Article 4 of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83).

2. With regard to the other points raised in its earlier comments, the Committee would like to make the following observations:

Articles 5 and 7 of the Convention. The Government states that the Working Party on the Comprehensive Review of the Workmen's Compensation Ordinance has considered that the practice now in force in the territory, which consists in paying compensation in the form of a lump sum in cases of permanent incapacity or death and also where the injured workman must have the constant help of another person, should remain in force for the reasons set forth in the report (preference of the population for this form of payment, risks of inflation and high administrative costs in respect of periodical payments, payment by instalments in certain cases through court orders). The Government adds, however, that the conclusions of the above-mentioned Working Party are at present being studied and that suitable amendments will be introduced to the Ordinance in due course. The Committee notes this statement with interest; although it takes account of the explanations of the Government and the information provided in the report on the payment of disability allowance under the "Special Needs Allowance Scheme", it hopes that the Government will do everything possible to ensure the full application of the above-mentioned provisions of the Convention. In fact, the Convention does not fix the rate of compensation, which may merely correspond to a reasonable percentage of the wage, but it does establish the principle of the payment of this compensation in the form of periodical payments, which must be paid - despite the view of the Government - throughout the duration of the contingency (that is to say, for the injured workmen themselves throughout life, and for their dependants until the death or the possible remarriage of the widow and until children have reached a prescribed age and are capable of earning their own living). The Committee requests the Government to report any progress made in this connection.

Article 11. The Committee also notes the amendments to the Companies Ordinance and the Bankruptcy Ordinance, under which workmen's

compensation is classed among preferred debts. The Committee also notes the statement by the Government that there have been no cases during the period covered by the report in which the provisions of the national legislation have been shown to be inadequate to ensure in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to injured workmen or their dependants. The Committee requests the Government to keep it informed in this connection in its future reports, unless the compulsory insurance provided for by sections 37 to 45 of the Workmen's Compensation Ordinance should be introduced in the meantime.

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In addition, requests regarding certain points are being addressed directly to the following States: France (St. Pierre and Miquelon), United Kingdom (Antigua, Belize, Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Montserrat, St. Kitts-Nevis-Anguilla, St. Helena).

Information supplied by France (New Caledonia) and the United Kingdom (Gibraltar) in answer to a direct request has been noted by the Committee.

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See under Convention No. 19, France.

New Caledonia

Article 1, paragraph 2, of the Convention. The Committee notes with satisfaction that, under a Decision dated 20 May 1976 of the Administrative Committee of the Family Benefits Equalisation Fund, citizens of member States of the EEC are put on the same footing as nationals in respect of payment of occupational accident annuities.

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In addition, requests regarding certain points are being addressed directly to the following States: France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon; French Polynesia, New Caledonia), United Kingdom (Bermuda).

Information supplied by the United Kingdom (Falkland Islands (Malvinas)) in answer to a direct request has been noted by the Committee.

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

Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion, St. Pierre and Miquelon)

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

French Polynesia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

New Caledonia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

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

Requests regarding certain points are being addressed directly to France (French Polynesia, St. Pierre and Miquelon).

Convention No. 29: Forced Labour, 1930

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia), United Kingdom (St. Helena).

Information supplied by the United Kingdom (St. Kitts-Nevis-Anguilla) in answer to a direct request has been noted by the Committee.

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

Falkland Islands (Malvinas)

The Committee notes with satisfaction that, following its previous direct requests, the Shipworkers' Protection (Amendment) Regulations, 1978 have been adopted to give effect to Article 3, paragraph 3, of the Convention.

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In addition, requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

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

Netherlands

Netherlands Antilles

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

Article 5 of the Convention. In reference to its previous observations, the Committee recalls that section 17(1) of the Ordinance of 22 August 1952 prohibits the employment of persons of less than 18 years of age in work which is dangerous as defined by government order. It hopes that an order to implement this prohibition will be issued in the very near future.

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

Article 12 of the Convention. See observation under France, Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to France (New Caledonia).

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

Article 12 of the Convention. See observation under France, Convention No. 35.

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* *

In addition, a request regarding certain points is being addressed directly to France (New Caledonia).

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

Overseas Departments (French Guiana,
Guadeloupe, Martinique, Réunion)

Article 13 of the Convention. See observation under France,
Convention No. 35 (Article 12).

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In addition, a request regarding certain points is being
addressed directly to France (New Caledonia).

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

Overseas Departments (French Guiana,
Guadeloupe, Martinique, Réunion)

Article 13 of the Convention. See observation under France,
Convention No. 35 (Article 12).

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In addition, a request regarding certain points is being
addressed directly to France (New Caledonia).

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

Requests regarding certain points are being addressed directly to
France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

Convention No. 44: Unemployment Provision, 1934

Requests regarding certain points are being addressed directly to
France (French Polynesia, 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

Information supplied by France (French Polynesia, New Caledonia) in answer to a direct request has been noted by the Committee.

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

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

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 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.

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Information supplied by the United Kingdom (Falkland Islands (Malvinas)) in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the United Kingdom (Antigua, Bermuda, Montserrat).

Information supplied by the United Kingdom (Falkland Islands (Malvinas)) in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Brunei).

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

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

In connection with its earlier comments, the Committee noted the detailed information given by the Government in its report for the period 1973-75, indicating that, while it would be possible to train galley boys at the sea training school, the introduction of a ships' cooks' training course would not be justified in view of the high cost since placement in international shipping has not produced satisfactory results and there is very little interest in this as a career. The Government therefore considered that it was not appropriate to prepare provisions relating to the training of ships' cooks.

The Committee would like to make it clear that the Convention requires the adoption of provisions, whether in laws or regulations or in collective agreements, which specify in relation to vessels defined as sea-going vessels (Article 1) that no person shall be engaged as a cook - i.e. as the person directly responsible for the preparation of meals for the crew (Article 2) - unless he holds a certificate of qualification (Article 3) granted by the competent authority or a body approved as indicated in Article 4, or a certificate issued in another territory (Article 6). The obligation under the Convention regarding the adoption of provisions does not necessarily therefore involve an obligation to set up or maintain a training programme for ships' cooks in the territory itself. However, according to the Government's reports, training courses have been provided and assistant cooks' certificates have been issued locally. In view of this, the Committee hopes that appropriate provisions will be adopted shortly to give effect to this Convention, which has been the subject of comments by the Committee since 1956.

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Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 71: Seafarers' Pensions, 1946

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

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, 1947France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon)

Articles 20 and 21. With reference to the earlier comments of the Committee, the Government states that the Commission headed by a General Inspector of Labour and Employment should be able next year to transmit a first general report in accordance with Articles 20 and 21 of the Convention. The Committee takes due note of this information. It hopes that annual inspection reports will now be published regularly and transmitted to the ILO within the periods laid down and that they will contain all the information required by Article 21 of the Convention, concerning the Overseas Departments too, unless the Government prefers to make a separate publication of the information relating to them.

NetherlandsNetherlands Antilles

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

Article 10 of the Convention. The Committee requests once more 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.

Articles 20 and 21. The Committee once more 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. It trusts in the very near future 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.

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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, Gibraltar, Hong Kong, Isle of Man).

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

A request regarding certain points is being addressed directly to the United Kingdom (Brunei).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

United Kingdom

Montserrat

Articles 4, paragraphs 2(a) and (b) and 5, subparagraphs (b) and (c) of the Convention. The Committee notes that section 6 of the Labour Ordinance (Cap. 314) of the Revised Laws of Montserrat is now being amended to comply with the requirements of Articles 4, paragraphs 2(a) and (b) (right of entry of inspectors) and 5, subparagraphs (b) and (c) (obligation to treat as confidential the source of complaints), of the Convention. It requests the Government to indicate in its next report any progress made in this connection.

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

Information supplied by Australia (Norfolk Islands) in answer to a direct request has been noted by the Committee.

Convention No. 88: Employment Service, 1948

A request regarding certain points is being addressed directly to France (New Caledonia).

Information supplied by France (French Polynesia) in answer to a direct request has been noted by the Committee.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), Netherlands (Netherlands Antilles), United Kingdom (Jersey).

Convention No. 95: Protection of Wages, 1949

A request regarding certain points is being addressed directly to the United Kingdom (Jersey).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, 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. 100: Equal Remuneration, 1951

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Gibraltar).

Convention No. 105: Abolition of Forced Labour, 1957**Netherlands****Netherlands Antilles**

Referring to its previous comments regarding sections 413 and 414 of the Penal Code, under which certain breaches of labour discipline are punishable by imprisonment involving an obligation to perform labour (under section 17 of the Penal Code and the prison regulations), the Committee notes with interest from the Government's last report that a draft ordinance is in the course of preparation to delete sections 413 and 414 from the Penal Code.

The Committee hopes that the ordinance in question will be adopted in the near future and will ensure compliance with Article 1(c) and (d) of the Convention.

United KingdomBermuda

Article 1(c) and (d) of the Convention. Further to its previous comments, the Committee notes with satisfaction that when the Merchant Shipping Act, 1979, comes into operation it will repeal sections 221-225 of the 1894 Merchant Shipping Act, which provide for the forcible return of deserters to their ship and for the punishment of seamen guilty of certain disciplinary offences with sanctions involving compulsory labour, and that the new Act provides for such sanctions only in respect of acts which endanger the safety of the ship or the life of the persons on board.

The Committee hopes that the relevant provisions of the Merchant Shipping Act, 1979, will be brought into force at an early date.

The Committee notes that section 5 of the Bermuda Merchant Shipping Act, 1930, under which seamen absent from service on board may be forcibly returned on board ship does not seem to have been repealed; it hopes that the necessary amendment will be made at an early date.

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In addition, requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), France (French Polynesia, New Caledonia, St. Pierre and Miquelon), United Kingdom (Bermuda, British Virgin Islands, Brunei, Montserrat).

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

A request regarding certain points is being addressed directly to the Netherlands (Netherlands Antilles).

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: France (New Caledonia), Netherlands (Netherlands Antilles).

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

A request regarding certain points is being addressed directly to France (French Polynesia, 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. 125: Fishermen's Competency Certificates, 1966

A request regarding certain points is being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon).

Convention No. 135: Workers' Representatives, 1971

Requests regarding certain points are being addressed directly to the United Kingdom (Gibraltar, Guernsey).

Convention No. 136: Benzene, 1971

Requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

**Appendix. Receipt of Detailed Reports on Ratified Conventions
(Non-Metropolitan Territories) as at 26 March 1980**

(Articles 22 and 35 of the Constitution)

Reports received: 331 Reports not received: 126 Total: 457

| Countries and Territories | Reports received | | Reports not received | | Population ¹ (thousands) |
|-------------------------------|------------------|---|----------------------|---|--|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| <i>Australia</i> | 4 | | 0 | | |
| Norfolk Islands | 4 | 10, 27, 29, 105 | 0 | — | 1.6 |
| <i>Denmark</i> | 11 | | 0 | | |
| Faeroe Islands | 6 | 5, 16, 19, 29, 53, 105 | 0 | — | 40 |
| Greenland | 5 | 5, 16, 19, 29, 105 | 0 | — | 60 |
| <i>France</i> | 189 | | 48 | | |
| <i>Overseas Departments :</i> | | | | | |
| French Guyana | 22 | 5, 10, 12, 13, 16, 19, 29, 45, 53, 69, 73, 74, 81, 105, 108, 113, 115, 123, 125, 126, 135, 136 | 6 | 24, 27, 32, 62, 84, 124 | 60 |
| Guadeloupe | 22 | 5, 10, 12, 13, 16, 19, 29, 45, 53, 69, 73, 74, 81, 105, 108, 113, 115, 123, 125, 126, 135, 136 | 6 | 24, 27, 32, 62, 84, 124 | 370 |
| Martinique | 22 | 5, 10, 12, 13, 16, 19, 29, 45, 53, 69, 73, 74, 81, 105, 108, 113, 115, 123, 125, 126, 135, 136 | 6 | 24, 27, 32, 62, 84, 124 | 370 |
| Reunion | 22 | 5, 10, 12, 13, 16, 19, 29, 45, 53, 69, 73, 74, 81, 105, 108, 113, 115, 123, 125, 126, 135, 136 | 6 | 24, 27, 32, 62, 84, 124 | 490 |
| St. Pierre and Miquelon . | 20 | 5, 6, 10, 12, 13, 16, 18, 26, 29, 33, 42, 45, 53, 69, 73, 89, 99, 108, 123, 125 | 16 | 2 15, 17, 19, 24, 44, 63, 77, 78, 81, 82, 84, 88, 96, 105, 122 | 6 |
| <i>Overseas Territories :</i> | | | | | |
| French Polynesia | 28 | 5, 10, 12, 13, 16, 18, 19, 22, 24, 29, 33, 44, 45, 53, 55, 63, 69, 71, 73, 77, 81, 96, 105, 108, 115, 120, 123, 125 | 0 | — | 140 |

For footnotes see end of table.

| Countries and Territories | Reports received | | Reports not received | | Population ¹ (thousands) |
|--|------------------|---|----------------------|--------------------------------------|--|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| New Caledonia | 53 | 2, 5, 10, 11, 12, 14, 15, 17, 18, 19, 22, 24, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 56, 58, 63, 69, 71, 77, 78, 81, 82, 84, 87, 88, 89, 91, 94, 95, 96, 98, 99, 100, 101, 105, 106, 115, 120, 122, 123, 124 | 8 | 13, 16, 23, 55, 73, 108, 125, 126 | 140 |
| Netherlands | 9 | | 9 | | |
| Netherlands Antilles . . . | 9 | 8, 11, 14, 22, 23, 87, 95, 101, 122 | 9 | 10, 29, 33, 58, 69, 74, 81, 105, 118 | 250 |
| New Zealand | 6 | | 6 | | |
| Cook Islands | 6 | 11, 14, 29, 82, 84, 105 | 0 | — | 30 |
| Niue | 0 | — | 3 | 29, 50, 105 | 5 |
| Tokelau Islands | 0 | — | 3 | 29, 82, 105 | 2 |
| United Kingdom | 104 | | 63 | | |
| Antigua | 0 | — | 8 | 5, 10, 17, 19, 29, 59, 81, 105 | 70 |
| Belize | 9 | 5, 10, 16, 17, 19, 29, 59, 81, 105 | 0 | — | 140 |
| Bermuda | 9 | 5, 10, 16, 17, 19, 29, 59, 105, 135 | 0 | — | 60 |
| British Virgin Islands . . . | 9 | 5, 10, 12, 17, 19, 29, 59, 85, 105 | 0 | — | 10 |
| Brunei | 8 | 5, 10, 16, 19, 29, 63, 81, 105 | 0 | — | 180 |
| Falkland Islands (Malvinas) | 9 | 5, 10, 17, 19, 29, 32, 45, 59, 105 | 0 | — | 2 |
| Gibraltar | 13 | 5, 16, 17, 19, 29, 45, 59, 63, 81, 100, 105, 135, 142 | 0 | — | 30 |
| Guernsey | 14 | 5, 10, 16, 19, 29, 32, 63, 69, 74, 81, 105, 135, 141, 142 | 0 | — | 55 |
| Hong Kong | 14 | 5, 16, 17, 19, 29, 45, 59, 63, 81, 90, 105, 141, 142, 144 | 0 | — | 4,510 |

NON-METROPOLITAN TERRITORIES

| Countries and Territories | Reports received | | Reports not received | | Popula- tion ¹ (thou- sands) |
|---|------------------|---|----------------------|---|--|
| | Total | Conventions Nos. | Total | Conventions Nos. | |
| Jersey | 0 | — | 25 | 5, 8, 10, 11, 16, 19, 22, 24, 25, 29, 32, 44, 56, 63, 69, 74, 81, 87, 94, 95, 97, 98, 105, 115, 140 | 70 |
| Isle of Man | 11 | 5, 10, 16, 19, 29, 32, 63, 69, 74, 81, 105 | 0 | — | 60 |
| Montserrat | 8 | 5, 16, 17, 19, 29, 59, 85, 105 | 0 | — | 10 |
| St. Kitts | 0 | — | 7 | 5, 17, 19, 29, 59, 85, 105 | 70 |
| St. Helena | 0 | — | 10 | 5, 10, 16, 17, 19, 29, 59, 63, 85, 105 | 5 |
| Southern Rhodesia . . . | 0 | — | 13 | 3, 14, 17, 19, 29, 45, 50, 59, 81, 82, 84, 86, 105 | 6,740 |
| <i>United States</i> | 8 | | 0 | | |
| American Samoa | 1 | 53 | 0 | — | 30 |
| Guam | 2 | 53, 74 | 0 | — | 100 |
| Puerto Rico | 2 | 53, 74 | 0 | — | 3,300 |
| Trust Territory of Pacific Islands | 1 | 53 | 0 | — | 124 |
| Virgin Islands | 2 | 53, 74 | 0 | — | 100 |

¹ Source: United Nations: *Demographic Year Book*, 1977.

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 has noted with satisfaction that the various instruments adopted by the Conference from the 58th to the 60th Sessions have been submitted to the competent authorities. It has also noted from the information supplied by the Government that the instruments still pending (adopted from the 52nd to the 63rd Sessions) are being thoroughly examined. The Committee hopes that the Government will shortly indicate that these instruments, as well as those adopted at the 64th Session, have been submitted to the competent authorities and that the Government will supply in that regard the information and documents called for in the Memorandum adopted by the Governing Body.

Brazil

The Committee notes that Recommendation No. 120, adopted at the 48th Session of the Conference, has been submitted to Congress. It recalls the statement made in 1978 by the Government to the effect that the necessary documentation was being prepared for submitting all the remaining instruments to Congress, and trusts that the Government will soon be able to state that the many Conventions and Recommendations appearing in the last column in the table in Appendix I to this section have been submitted to Congress and that it will communicate the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Bulgaria

The Committee notes the information and documents concerning the submission to the Council of State of the instruments adopted at the 64th Session of the Conference. It reiterates 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

With regard to the comments that 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 observations of 1976 and 1977 and hopes that the Government will soon be able to indicate the result of the re-examination of these questions by the authorities concerned.

Central African Republic

Following its previous comments, the Committee has noted with satisfaction from the information and documents supplied by the Government, that all the instruments adopted at the 49th, 50th, 52nd, 60th, 61st and 63rd Sessions of the Conference have been submitted to the Council of Ministers.

Chad

The Committee refers to the discussion that took place in the Conference Committee in 1979 and hopes that the Government will shortly be in a position to indicate that the instruments adopted at the 55th to 64th Sessions of the Conference have been submitted to the competent authorities and that it will furnish in that connection, and also with regard to the instruments adopted from the 50th to the 54th Sessions, which have already been submitted, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Colombia

With reference to its previous observation, the Committee notes with interest from the information and documents supplied by the Government the submission to Congress of all the instruments adopted by the Conference from the 58th to the 64th Session as well as of Recommendations adopted at the 52nd and 55th Sessions. The Committee would be grateful if the Government would indicate whether, on the occasion of this submission, it has put forward any proposals regarding the action to be taken on the above-mentioned instruments and what decisions have been taken by Congress in this respect.

The Committee hopes that the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body concerning a number of other instruments adopted by the Conference from the 40th to the 56th Sessions and submitted to Congress at its regular sessions of 1973 and 1974, as reported by the Government to the Conference Committee in 1977.

Costa Rica

The Committee regrets to note that the Government has not replied to its previous observation. It hopes that the Government will soon provide information on the proposals made and any decisions taken on the instruments adopted at the 60th Session of the Conference, which have already been submitted.

It also hopes that the Government will state whether the Recommendations adopted at the 54th and 55th Sessions and the instruments adopted at the 61st, 62nd, 63rd and 64th Sessions have been submitted to the competent authorities and that, in respect to them, it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

El Salvador

The Committee takes note of the communication addressed by the Minister of Labour to the Minister of Foreign Affairs with a view to the submission to the Legislative Assembly of the instruments adopted at the 64th Session of the Conference.

The Committee requests the Government to indicate whether the instruments have now been submitted and to provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body. With reference to its earlier comments, the Committee recalls that the Government has not supplied in respect of the instruments adopted at the 52nd, 55th, 56th and 59th Sessions of the Conference, which have already been submitted to the Legislative Assembly, the information and documents mentioned above (information on the proposals made and any decisions taken and a copy, if possible, of the documents by means of which the instruments were submitted). It hopes that the Government will be able to provide these information and documents in the near future and that it will also state whether the instruments adopted at the 62nd and 63rd Sessions have been submitted to the competent authorities.

Ethiopia

The Committee refers to the statement by a government representative to the Conference Committee in 1979 to the effect that the question of submitting the instruments adopted since the 58th Session of the Conference to the competent authorities was to be dealt with during the direct contacts of January 1980. It notes with interest that during these direct contacts it was agreed that the ILO would grant a fellowship in 1980 to an official of the Ministry of Labour and Social Affairs, with a view to preparing the documents relating to submission and examining the prospects of ratifying Conventions. The Committee therefore hopes that all the instruments adopted since the 58th Session will be submitted to the competent authorities and that the Government will provide the information and documents in this connection that are called for in the Memorandum adopted by the Governing Body.

Gabon

The Committee notes the statement by the Government that the study of the instruments (adopted at various sessions from the 51st to 62nd) not yet submitted to the competent authorities is being continued with a view to submitting them to the National Assembly in the near future. It hopes that the Government will soon be able to state that these instruments have been submitted.

With reference to its previous observation concerning the instruments adopted from the 51st Session of the Conference and submitted to the National Assembly in 1978, the Committee hopes that the Government will soon provide, if possible, copies of the documents by means of which they were submitted to the Assembly and information on any decision taken in connection with them, as called for in the Memorandum adopted by the Governing Body (points II(c) and III of the questionnaire).

Ghana

The Committee notes with regret that no information has been provided since 1975 on the submission of Conventions and Recommendations to the competent authorities. It trusts that the Government will soon state whether the instruments adopted at the 60th, 61st, 62nd, 63rd and 64th Sessions of the Conference have been submitted and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

With reference to its earlier comments, the Committee also hopes that the Government will provide information on any new proposals or measures taken respecting the instruments adopted from the 50th to the 59th Sessions, which have already been submitted to the competent authorities.

Guinea

The Committee notes with regret that the Government has not replied to its previous direct requests. It hopes that the Government will shortly be able to indicate whether the instruments adopted at the 58th, 61st, 62nd, 63rd and 64th Sessions of the Conference, as well as the remaining instruments of the 60th Session (Convention No. 141 and Recommendation No. 149) have been submitted to the competent authorities and that it will supply, with regard to these instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

Guyana

Further to its previous comments, the Committee notes with satisfaction the information supplied by the Government concerning the submission to the National Assembly of the instruments adopted from the 54th to the 62nd Sessions of the Conference.

The Committee has also noted that the documents concerning the instruments adopted at the 63rd and 64th Sessions of the Conference have been prepared and will be submitted soon.

Haiti

With reference to its earlier comments, the Committee notes with satisfaction the information and documents supplied by the Government concerning the submission to Parliament of the instruments adopted by the Conference at a number of its sessions between the 32nd and the 53rd, following the direct contacts established between the national services concerned and a representative of the Director-General of the ILO.

Hungary

The Committee notes the information and documents supplied by the Government regarding the submission to the Presidential Council of the instruments adopted at the 64th Session of the Conference. With reference to its earlier observations, the Committee reiterates the hope that the instruments adopted by the Conference will also be submitted to Parliament as the body in which full legislative powers are vested under the Hungarian Constitution. The Committee recalls the information furnished by the Government in 1978 to the effect that the authorities were still examining the question and expresses the hope that the Government will soon be able to communicate the results of this examination.

Indonesia

No information having been furnished by the Government, the Committee expresses the hope that the latter will soon be in a position to indicate whether the instruments adopted at the 63rd Session of the Conference, as well as those adopted at the 64th Session, have been submitted to the competent authorities.

Recalling its earlier observations, the Committee hopes that the Government will soon supply the information requested concerning its proposals and the decisions of the competent authorities regarding the instruments adopted from the 52nd to the 56th Sessions of the Conference which have already been submitted to Parliament.

Iraq

The Committee notes the information provided by the Government to the effect that the instruments adopted at the 64th Session of the Conference have been submitted to the competent authorities and those adopted at the 62nd and 63rd Sessions have been submitted to a special committee for examination.

The Committee recalls that the Government stated in 1978 that the arrangements for the submission of the remaining instruments to the competent authorities had almost been completed. It therefore hopes that the Government will soon be able to state that the numerous instruments listed in the last column of the table appearing in Appendix I to this section of the report have been submitted to the competent authorities and that, in respect of these instruments and of those adopted at the 64th Session, it will provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Jordan

Following its previous observations, the Committee has noted with satisfaction from the information and documents supplied by the Government that, following the direct contacts between the competent national services and a representative of the Director-General of the ILO, all the instruments adopted from the 39th to the 64th Sessions of the Conference have been submitted to the competent authorities and that decisions of those authorities will be communicated to the ILO.

Democratic Kampuchea

The Committee notes the absence of any information regarding the submission to the competent authorities of the instruments adopted by the Conference.

Lao Republic

As no information has been supplied by the Government, the Committee hopes that the latter will soon be in a position to indicate whether the instruments adopted from the 48th to the 64th Sessions of the Conference have been submitted to the competent authorities and also that it will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body.

Lebanon

The Committee notes with interest from the information supplied by the Government to the Conference Committee in 1979 that a large number of Conventions are being examined with a view to their being incorporated into national legislation and that texts are being drafted for the submission of the instruments adopted at the 63rd Session of the Conference. The Committee hopes that the instruments listed in the

SUBMISSION TO THE COMPETENT AUTHORITIES

last column of the table in Appendix I to this section will be submitted shortly and that the Government will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body.

Liberia

The Committee notes from the statements of the Government representatives to the Conference Committee in 1979 that the problems connected with the preparation of information on the submission of instruments to the competent authorities are on their way to a solution thanks to the indications given by the ILO and that the information can thus be forwarded. The Committee therefore hopes that the Government will soon be able to furnish, with respect to all the instruments listed in the last column of the table in Appendix I of the present section of the report, a copy, if possible, of the document whereby they will have been submitted to the Assembly, indicating at the same time the proposals made and the action taken with respect to them, in accordance with points II(c) and III of the questionnaire appended to the Memorandum adopted by the Governing Body.

Malawi

With reference to its earlier observations, the Committee recalls that, under article 19, paragraphs 5 and 6, of the Constitution of the ILO, the 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 competent authority for the enactment of legislation for the purposes of article 19 of the Constitution of the ILO, and Conventions and Recommendations should therefore, as a rule, be submitted to the National Assembly.

The Committee notes with regret the statement by the Government representative to the Conference Committee in 1979 to the effect that the position of the Government has not changed. It hopes, however, that the question may be reconsidered in the light of the comments of the Committee and those of the Conference Committee and that the instruments adopted at the 55th and from the 58th to the 64th Sessions of the Conference will be submitted to the National Assembly.

Malaysia

The Committee notes the statement by a Government representative at the Conference Committee in 1979 to the effect that the Government will continue its efforts to ensure the submission of the ILO instruments to Parliament as speedily as possible. The Committee hopes that the Government will soon be able to indicate that it has submitted to Parliament all the instruments adopted by the Conference from its 58th to its 64th Sessions and that it will furnish, in that respect, the information and documents called for in the Memorandum adopted by the Governing Body.

Malta

With reference to its earlier comments, the Committee notes the information supplied by the Government to the effect that all the

instruments adopted from the 55th to 64th Sessions of the Conference have been submitted to the Cabinet for consideration. The Committee therefore hopes that, according to the procedure indicated earlier by the Government, the instruments concerned will soon be submitted to Parliament with a policy statement by the Cabinet, and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritania

With reference to its previous observation, the Committee notes with interest that direct contacts have been held between the competent national services and a representative of the Director-General of the ILO. It hopes that the Government will soon be able to state that the instruments adopted from the 47th to the 64th Sessions of the Conference have been submitted and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritius

With reference to its earlier observation, the Committee has noted the information furnished by the Government to the Conference Committee in 1979, according to which a report was being prepared for the submission to Parliament of the instruments adopted by the Conference at its 62nd Session. Consultations had taken place in the Labour Advisory Board on the subject of certain instruments adopted at the 63rd Session and were continuing with regard to the other instruments adopted at that session. The Advisory Board was then expected to undertake the study of the remaining instruments of the 59th Session as well as of those adopted at the 60th. The Committee hopes that the Government will soon be in a position to indicate that the above-mentioned instruments, as well as those adopted at the 64th Session of the Conference, have been submitted to Parliament and that it will furnish in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Mongolia

The Committee notes with regret that no information has been supplied in response to its earlier observations concerning the submission to the competent authorities of the instruments adopted by the Conference from the 58th to the 61st Sessions. It again requests the Government to provide particulars on the authorities regarded as competent in the matter and on the action taken by them, and to supply copies, if possible, of the documents whereby the above-mentioned instruments were submitted in accordance with paragraphs 5(c) and 6(c) of article 19 of the ILO Constitution and with the Memorandum adopted by the Governing Body (points I and II(b) and (c) and III of the questionnaire). In addition, the Committee will be grateful if the Government would indicate whether the instruments adopted at the 62nd, 63rd and 64th Sessions of the Conference have been submitted.

Morocco

Following its previous comments, the Committee notes with satisfaction from the information supplied by the Government that the instruments adopted at the 63rd and 64th Sessions of the Conference have been submitted both to the Prime Minister and to the House of Representatives, which shares with the Prime Minister the prerogative of proposing new legislation.

Nepal

Further to its previous observation, the Committee has noted that, in information supplied to the Conference Committee in 1979, the Government has stated that the competent authority should not always be the legislative body because legislative action is not required for all instruments; that in the legislative procedure, the Cabinet first decides whether to formulate any enactment and should be regarded as the competent authority; and that, however, the minister concerned can table such instruments if he feels it necessary to inform the House.

The Committee recalls in this connection that Conventions and Recommendations should normally be submitted to the national Parliament as the body vested with legislative power and that in the case of instruments not requiring action in the form of legislation, it would be desirable to submit these instruments also to the parliamentary body, to ensure that the purpose of submission, which is also to bring Conventions and Recommendations to the knowledge of the public, is fully met. The Committee hopes accordingly that the Government will find it possible to submit all instruments also to Parliament.

The Committee further hopes that the Government will be able to indicate soon that the submission of the instruments adopted from the 51st to 61st Sessions of the Conference has taken place and will communicate in respect of those instruments and also of instruments adopted at the 64th Session, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

Niger

Following its earlier observation, the Committee has noted the information supplied by the Government to the Conference Committee in 1979 to the effect that the instruments adopted at the 51st Session, and from the 56th to the 64th Sessions, of the Conference are under consideration for purposes of submitting them in stages to the competent authorities. The Committee hopes that the Government will soon be in a position to report that the above-mentioned instruments have been submitted to the competent authorities and hopes also that it will furnish in that connection the information and documents called for in the Memorandum adopted by the Governing Body.

Peru

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts held between the national services concerned and a representative of the Director-General of the ILO, all the instruments adopted from the 44th to the 64th Sessions of the Conference and awaiting submission have been submitted to the Council of Ministers.

Sri Lanka

With reference to its previous observation, the Committee notes that the instruments adopted at the 61st Session of the Conference have been submitted to Parliament and that measures have been taken for the submission to Parliament in the near future of the instruments adopted at the 62nd Session. The Committee also notes with interest the information supplied by the Government on the proposals and decisions relating to the instruments adopted from the 55th to the 58th Sessions

and previously submitted to the Legislative Assembly. The Committee hopes that the Government will shortly be able to indicate that the instruments adopted at the 62nd, 63rd and 64th Sessions have been submitted to the Legislative Assembly and that it will forward in that connection the information and documents called for in the Memorandum adopted by the Governing Body.

Tanzania

With reference to its previous observations, the Committee notes the information supplied by the Government to the Conference Committee in 1979 and also the statement by a Government representative to this same Committee to the effect that the Government has been unable to submit the outstanding instruments to the competent authorities owing to circumstances beyond its control, but that these instruments should be submitted during the budget year commencing in July 1979.

In the absence of further information on the matter, the Committee hopes that the Government will soon be able to state that the instruments adopted from the 54th to the 64th Sessions of the Conference have been submitted to the competent authorities and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body, in respect both of the above-mentioned instruments and of the instruments adopted from the 47th to the 53rd Sessions, which have already been submitted.

Ukrainian SSR

The Committee notes from the information provided by the Government that the instruments adopted at the 64th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

With reference to the comments that it had 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

With reference to its earlier comments and to the exchanges of views which took place in the Conference Committee on the question, the Committee has noted with satisfaction from the information supplied by the Government that the instruments adopted at the 64th Session of the Conference, submitted to the Presidium of the Supreme Soviet, have also been communicated to the deputies of the Supreme Soviet and that this practice will henceforth be followed.

The Committee hopes that, when new instruments are submitted to the competent authorities, the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body.

United Arab Emirates

In the absence of a reply to its earlier observation, the Committee hopes that the Government will soon supply, in connection with the instruments adopted at the 58th to the 63rd Sessions of the Conference and already submitted to the Council of Ministers, the information and documents called for in the Memorandum adopted by the Governing Body (points II(b) and (c) and III of the questionnaire), in particular with regard to the Government's proposals for action on these instruments and any decisions that may have been taken in this respect.

Uruguay

Following its previous comments, the Committee notes with satisfaction from the information and documents supplied by the Government that many of the instruments adopted by the Conference from the 54th to the 64th Sessions have been submitted to the competent authorities.

The Committee hopes that the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body concerning the other instruments referred to in a direct request.

Yemen

Following its previous observations, the Committee notes with interest from the information supplied by the Government to the Conference Committee in 1979 that the instruments adopted by the Conference from the 50th to the 56th Sessions, and those adopted from the 60th to the 64th Sessions, have been submitted to the legislative authority and that information will be forthcoming on all measures taken in this regard.

The Committee hopes that the Government will shortly be able to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire), and in particular to indicate what authority is at present invested with legislative power.

Yugoslavia

With reference to its earlier observations, the Committee notes with interest from the information supplied by the Government to the Conference Committee in 1979 that several Conventions and Recommendations adopted at the 59th, 60th and 63rd Sessions of the Conference have been submitted to the Federal Assembly. It also notes that the remaining instruments are the subject of consultations with the republics and provinces and the occupational organisations.

The Committee hopes that the Government will soon be able to state that these instruments too have been submitted and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Zaire

The Committee notes with regret that the Government has not replied to its earlier observations. It trusts that the Government

will forward in the near future the document whereby the instruments adopted at the 54th, 55th, 56th and 59th Sessions of the Conference have been submitted to the President of the Republic, and that it will also furnish, for the instruments adopted from the 50th to the 53rd Sessions, the information and documents called for in the Memorandum adopted by the Governing Body. In addition, it requests the Government to indicate whether the instruments adopted at the 58th Session and from the 60th to the 64th Sessions, have been submitted.

The Committee also recalls that although by virtue of article 30 of the national Constitution of Zaïre all powers are vested in the President of the Republic who, in particular, presides over the Legislative Council, article 37 of that same Constitution specifies that "the President exercises legislative powers in conjunction with the Legislative Council" and article 59 provides that "the prerogative of proposing legislation belongs concurrently" to the President and to "each of the members of the Legislative Council". Accordingly, the Committee once more expresses the hope that the instruments submitted to the President will also be brought before the Legislative Council.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Bahamas, Bangladesh, Barbados, Bolivia, Botswana, Burma, Burundi, Byelorussian SSR, United Republic of Cameroon, Canada, Central African Republic, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Fiji, German Democratic Republic, Greece, Guinea-Bissau, Iceland, Iran, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Portugal, Qatar, Romania, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Upper Volta, Uruguay, Venezuela, Zambia.

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

Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities

(31st to 64th Sessions of the International Labour Conference, 1948-78) ¹

Note : The number of the Convention or Recommendation is given in parentheses, preceded by the letter " C " or " R " as the case may be, when only some of the texts adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|-----------------------|---|---|
| Afghanistan | 31 to 51, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136) and 58 to 60 | 52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 61, 62, 63 and 64 |
| Algeria | 47 to 63 | 64 |
| Angola | 61 to 64 | — |
| Argentina | 31 to 64 | — |
| Australia | 31 to 64 | — |
| Austria | 31 to 63 | 64 |
| Bahamas | 61 to 63 | 64 |
| Bahrein | 63 and 64 | — |
| Bangladesh | 58 to 64 | — |
| Barbados | 51 to 63 | 64 |
| Belgium | 31 to 64 | — |
| Benin | 45 to 64 | — |
| Bolivia | 31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62 | 60 (R 151), 63 and 64 |
| Botswana | — | 64 |
| Brazil | 31 to 45, 46 (C 117, 118; R 116), 47 (C 119), 48 (C 120, 121, 122; R 120), 49 (C 123, 124; R 124, 125), 50 (C 125; R 126), 51 (C 127; R 128, 131), 53 (R 133, 134), 55 (C 133, 134; R 139) and 56 (C 135, 136; R 144) | 46 (R 117), 47 (R 118, 119), 48 (R 121, 122), 49 (R 123), 50 (C 126; R 127), 51 (C 128; R 129, 130), 52, 53 (C 129, 130), 54, 55 (R 137, 138, 140, 141, 142), 56 (R 143), 58, 59, 60, 61, 62, 63 and 64 |
| Bulgaria | 31 to 64 | — |

¹ The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|--------------------------------------|--|--|
| Burma | 31 to 61 | 62, 63 and 64 |
| Burundi | 47 to 61 and 62 (R 153, 154) | 62 (C 145, 146, 147; R 155), 63 and 64 |
| Byelorussian SSR | 37 to 63 | 64 |
| United Rep. of Cameroon | 44 to 64 | — |
| Canada | 31 to 60 | 61, 62, 63 and 64 |
| Central African Republic | 45 to 63 | 64 |
| Chad | 45 to 54 | 55, 56, 58, 59, 60, 61, 62, 63 and 64 |
| Chile | 31 to 64 | — |
| Colombia | 31 to 39, 40 (C 105, 106, 107; R 103), 41 (C 109; R 105, 106, 108), 42 to 44, 45 (C 116), 46 (C 118), 47 (C 119), 48 (C 120, 121, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127), 52, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134; R 141), 56 (C 135, 136) and 58 to 64 | 40 (R 104), 41 (C 108; R 107, 109), 45 (R 115), 46 (C 117; R 116, 117), 47 (R 118, 119), 48 (R 120, 121, 122), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (C 128; R 128, 129, 130, 131), 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 142) and 56 (R 143, 144) |
| Congo | 45 to 61 and 64 | 62 and 63 |
| Costa Rica | 31 to 53, 54 (C 131, 132; R 135), 55 (C 133, 134; R 142) and 56 to 60 | 54 (R 136), 55 (R 137, 138, 139, 140, 141), 61, 62, 63 and 64 |
| Cuba | 31 to 62 | 63 and 64 |
| Cyprus | 45 to 63 | 64 |
| Czechoslovakia | 31 to 63 | 64 |
| Democratic Kampuchea | 53, 54 and 56 | 55, 58, 59, 60, 61, 62, 63 and 64 |
| Democratic Yemen | 53 to 61 | 62, 63 and 64 |
| Denmark | 31 to 64 | — |
| Djibouti | — | 64 |
| Dominican Republic | 31 to 61 | 62, 63 and 64 |
| Ecuador | 31 to 64 | — |
| Egypt | 31 to 64 | — |
| El Salvador | 31 to 61 | 62, 63 and 64 |
| Ethiopia | 31 to 53, 54 (C 131, 132; R 135), 55 and 56 | 54 (R 136), 58, 59, 60, 61, 62, 63 and 64 |
| Fiji | 59 and 60 | 61, 62, 63 and 64 |

SUBMISSION TO COMPETENT AUTHORITIES

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|--------------------------------------|--|--|
| Finland | 31 to 64 | — |
| France | 31 to 64 | — |
| Gabon | 45 to 50, 51 (C 127, 128; R 128, 53, 54 (C 131, 132; R 135), 56 (C 135; R 143), 58, 60, 61, 62 (C 145, 146, 147; R 153, 155), 63 and 64 | 51 (R 129, 130, 131), 52, 54 (R 136), 55, 56 (C 136; R 144), 59 and 62 (R 154) |
| German Democratic Republic | 59 to 64 | — |
| Germany (Federal Republic) | 34 to 62 | 63 and 64 |
| Ghana | 40 to 59 | 60, 61, 62, 63 and 64 |
| Greece | 31 to 44, 45, 46 (C 118; R 116), 47 to 61 and 62 (C 147; R 155) | 46 (C 117; R 117), 62 (C 145, 146; R 153, 154), 63 and 64 |
| Guatemala | 31 to 64 | — |
| Guinea | 43 to 56, 59 and 60 (C 142, 143; R 150, 151) | 58, 60 (C 141; R 149), 61, 62, 63 and 64 |
| Guinea-Bissau | — | 63 and 64 |
| Guyana | 50 to 62 | 63 and 64 |
| Haiti | 31 to 64 | — |
| Honduras | 39 to 64 | — |
| Hungary | 31 to 61, 63 and 64 | 62 |
| Iceland | 31 to 60 | 61, 62, 63 and 64 |
| India | 31 to 63 | 64 |
| Indonesia | 33 to 62 | 63 and 64 |
| Iran | 31 to 61 | 62, 63 and 64 |
| Iraq | 31, 32 (C 92, 95, 98), 34, 35 (C 102, 103), 36, 40 (C 105, 106), 42 (C 111; R 111), 43 (C 112, 113, 114), 44, 45 (C 116), 46 (C 117, 118), 48 (C 122), 49 (C 123, 124), 51 to 56, 58 (C 137; R 145), 59, 60 (C 142; R 150), 61, 62 (C 145; R 154) and 64 | 32, (C 91, 93, 94, 96, 97; R 84, 85, 86, 87), 33, 35 (C 101; R 93, 94, 95), 37, 38, 39, 40 (C 107; R 103, 104), 41, 42 (C 110; R 110), 43 (R 112), 45 (R 115), 46 (R 116, 117), 47, 48 (C 120, 121; R 120, 121, 122), 49 (R 123, 124, 125), 50, 58 (C 138; R 146), 60 (C 141, 143; R 149, 151), 62 (C 146, 147; R 153, 155) and 63 |
| Ireland | 31 to 61 | 62, 63 and 64 |
| Israel | 32 to 64 | — |

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|------------------------|---|--|
| Italy | 31 to 61, 62 (C 145, 146, 147) and 63 (C 148; R 156) | 62 (R 153, 154, 155), 63 (C 149; R 157) and 64 |
| Ivory Coast | 45 to 61, 63 and 64 | 62 |
| Jamaica | 47 to 53, 54 (C 131; R 135), 55 to 60 | 54 (C 132; R 136) 61, 62, 63 and 64 |
| Japan | 35 to 64 | — |
| Jordan | 39 to 64 | — |
| Kenya | 48 to 63 | 64 |
| Kuwait | 45 to 64 | — |
| Lao Republic | — | 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63 and 64 |
| Lebanon | 31 (C 88, 89, 90; R 83) 32 (C 95, 98; R 85), 34 (C 100; R 90), 35 (C 102, 103), 40 (C 105, 106; R 103), 42 (C 111; R 111), 44 (C 115), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 121, 122; R 120, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127, 128; R 128), 53 (C 129, 130) and 54 (C 131; R 135) | 31 (C 87), 32 (C 91, 92, 93, 94, 96, 97; R 84, 86, 87), 33, 34 (C 99; R 89, 91, 92), 35 (C 101; R 93, 94, 95), 36, 37, 38, 39, 40 (C 107; R 104), 41, 42 (C 110; R 110), 43, 44 (R 113, 114), 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (R 121), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (R 129, 130, 131), 52, 53 (R 133, 134), 54 (C 132; R 136), 55, 56, 58, 59, 60, 61, 62, 63 and 64 |
| Liberia | 31 (C 87), 32 (C 92, 98), 38 (C 104), 40 (C 105), 42, 43 (C 112, 113, 114), 48, 49, 50, 55 C 133; R 140, 141) 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 (C 134; R 137, 138, 139, 142), 58, 59, 60, 61, 62, 63 and 64 |
| Libyan Arab Jamahiriya | 35 to 63 | 64 |
| Luxembourg | 31 to 64 | — |
| Madagascar | 45 to 54, 56 to 64 | 55 |
| Malawi | 49 to 54 and 56 | 55, 58, 59, 60, 61, 62, 63 and 64 |
| Malaysia | 41 to 56 | 58, 59, 60, 61, 62 63, and 64 |
| Mali | 44 to 63 | 64 |
| Malta | 49 to 54 | 55, 56, 58, 59, 60, 61, 62, 63 and 64 |
| Mauritania | 45, 46, 47 (C 119), 48, 49, 50 (C 125, 126), 51 (C 127, 128), 52, 53 and 55 | 47 (R 118, 119), 50 (R 126, 127), 51 (R 128, 129, 130, 131), 54, 56, 58, 59, 60, 61, 62, 63 and 64 |

SUBMISSION TO COMPETENT AUTHORITIES

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|----------------------------|---|---|
| Mauritius | 53 to 58, 59 (C 139; R 147) and 61 | 59 (C 140; R 148), 60, 62, 63 and 64 |
| Mexico | 31 to 61, 62 (C 146) and 63 (C 148, 149) | 62 (C 145, 147; R 153, 154, 155), 63 (R 156, 157) and 64 |
| Mongolia | 53 to 61 | 62, 63 and 64 |
| Morocco | 39 to 64 | — |
| Mozambique | — | 61, 62, 63 and 64 |
| Nepal | 54 (C 131), 62, 63 and 64 | 51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60 and 61 |
| Netherlands | 31 to 62, 63 (C 148; R 156) and 64 (C 150; R 158) | 63 (C 149; R 157) and 64 (C 151; R 159) |
| New Zealand | 31 to 64 | — |
| Nicaragua | 40 to 62, 63 (C 148, 149) and 64 (C 150, 151) | 63 (R 156, 157) and 64 (R 158, 159) |
| Niger | 45 to 51 (C 127; R 128, 129, 130), 52 to 56 (C 135) and 58 (C 138) | 51 (C 128; R 131), 56 (C 136; R 143, 144), 58 (C 137; R 145, 146), 59, 60, 61, 62, 63 and 64 |
| Nigeria | 45 to 64 | — |
| Norway | 31 to 64 | — |
| Pakistan | 31 to 61 | 62, 63 and 64 |
| Panama | 31 to 64 | — |
| Papua-New Guinea | 61 to 63 | 64 |
| Paraguay | 40 to 61 | 62, 63 and 64 |
| Peru | 31 to 64 | — |
| Philippines | 31 to 64 | — |
| Poland | 31 to 62 | 63 and 64 |
| Portugal | 31 to 56 and 60 (C 143; R 151) | 58, 59, 60 (C 141, 142; R 149, 150), 61, 62, 63 and 64 |
| Qatar | 58 (C 137, 138; R 145) and 59 (R 147) | 58 (R 146), 59 (C 139, 140; R 148), 60, 61, 62, 63 and 64 |
| Romania | 39 to 64 | — |
| Rwanda | 47 to 64 | — |
| Saudi Arabia | 61 to 64 | — |

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|--------------------------------|---|---|
| Senegal | 44 to 64 | — |
| Seychelles | — | 63 and 64 |
| Sierra Leone | 45 to 62 (C 145, 147; R 153, 155) | 62 (C 146; R 154), 63 and 64 |
| Singapore | 50 to 63 | 64 |
| Somalia | 45 to 63 | 64 |
| Spain | 39 to 60, 61 (R 152) and 62 | 61 (C 144), 63 and 64 |
| Sri Lanka | 31 to 61 | 62, 63 and 64 |
| Sudan | 39 to 63 | 64 |
| Suriname | 61 | 62, 63 and 64 |
| Swaziland | 60 to 64 | — |
| Sweden | 31 to 64 | — |
| Switzerland | 31 to 63 | 64 |
| Syrian Arab Republic | 31 to 58 (C 138; R 146), 59 (C 139; R 147) and 60 (C 141, 143; R 149, 151) | 58 (C 137; R 145), 59 (C 140; R 148), 60 (C 142; R 150), 61, 62, 63 and 64 |
| Tanzania | 46 to 53 | 54, 55, 56, 58, 59, 60, 61, 62, 63 and 64 |
| Thailand | 31 to 60 | 61, 62, 63 and 64 |
| Togo | 44 to 59 | 60, 61, 62, 63 and 64 |
| Trinidad and Tobago | 47 to 62 | 63 and 64 |
| Tunisia | 39 to 61 and 63 | 62 and 64 |
| Turkey | 31 to 64 | — |
| Uganda | 47 to 64 | — |
| Ukrainian SSR | 37 to 64 | — |
| United Arab Emirates | 58 to 63 | 64 |
| United Kingdom | 31 to 64 | — |
| United States | 31 to 60 | 61, 62 and 63 |
| Upper Volta | 45 to 58, 60 (C 143), 61, 63 and 64 | 59, 60 (C 141, 142; R 149, 150, 151) and 62 |
| Uruguay | 31 to 59, 60 (C 141, 143; R 149, 151) and 62 to 64 | 60 (C 142; R 151) and 61 |

SUBMISSION TO COMPETENT AUTHORITIES

| State | Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments | Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied) |
|----------------------|---|---|
| USSR | 37 to 64 | — |
| Venezuela | 31 to 63 | 64 |
| Yemen | 49 to 64 | — |
| Yugoslavia | 31 to 54, 56, 59, 60 (C 142, 143; R 150, 151) and 63 (C 148; R 156) | 55, 58, 60 (C 141; R 149), 61, 62, 63 (C 149; R 157) and 64 |
| Zaire | 45 to 56 and 59 | 58, 60, 61, 62, 63 and 64 |
| Zambia | 49 to 62 | 63 and 64 |

Appendix II. — Over-all position of member States at 26 March 1980

| Sessions at which decisions were adopted | Number of States in which, according to information supplied by Government | | | |
|--|--|---|---|--|
| | All the texts have been submitted | Some of these texts have been submitted | None of these texts have been submitted (including cases in which no information has been supplied by the Government) | Number of States which were Members of the Organisation at the time of the session |
| 31 (June 1948) | 58 | 2 | — | 60 |
| 32 (June 1949) | 58 | 3 | — | 61 |
| 33 (June 1950) | 60 | — ¹ | 3 | 63 |
| 34 (June 1951) | 62 | 1 | 1 | 64 |
| 35 (June 1952) | 63 | 2 | 1 | 66 |
| 36 (June 1953) | 64 | — | 2 | 66 |
| 37 (June 1954) | 66 | — ¹ | 3 | 69 |
| 38 (June 1955) | 66 | 1 | 2 | 69 |
| 39 (June 1956) | 73 | — | 3 | 76 |
| 40 (June 1957) | 73 | 4 | — | 77 |
| 41 (April/May 1958) | 75 | 1 | 3 | 79 |
| 42 (June 1958) | 77 | 2 | — | 79 |
| 43 (June 1959) | 77 | 2 | 1 | 80 |
| 44 (June 1960) | 81 | 1 | 1 | 83 |
| 45 (June 1961) | 97 | 4 | — | 101 |
| 46 (June 1962) | 96 | 5 | 1 | 102 |
| 47 (June 1963) | 101 | 5 | 2 | 108 |
| 48 (June/July 1964) | 105 | 4 | 1 | 110 |
| 49 (June 1965) | 109 | 4 | 1 | 114 |
| 50 (June 1966) | 108 | 5 | 2 | 115 |
| 51 (June 1967) | 110 | 6 | 1 | 117 |
| 52 (June 1968) | 109 | — ¹ | 9 | 118 |
| 53 (June 1969) | 112 | 6 | 3 | 121 |
| 54 (June 1970) | 109 | 9 | 3 | 121 |
| 55 (October 1970) | 101 | 8 | 12 | 121 |
| 56 (June 1971) | 106 | 7 | 8 | 121 |
| 58 (June 1973) | 96 | 6 | 21 | 123 |
| 59 (June 1974) | 104 | 2 | 19 | 125 |
| 60 (June 1975) | 100 | 5 | 21 | 126 |
| 61 (June 1976) | 95 | — | 36 | 131 |
| 62 (October 1976) | 79 | — | 53 | 132 |
| 63 (June 1977) | 69 | 2 | 64 | 135 |
| 64 (June 1978) | 51 | 2 | 83 | 136 |

¹ At this session the Conference adopted one Recommendation only.