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International Labour Conference  
67th Session 1981

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Report III  
(Part 4A)

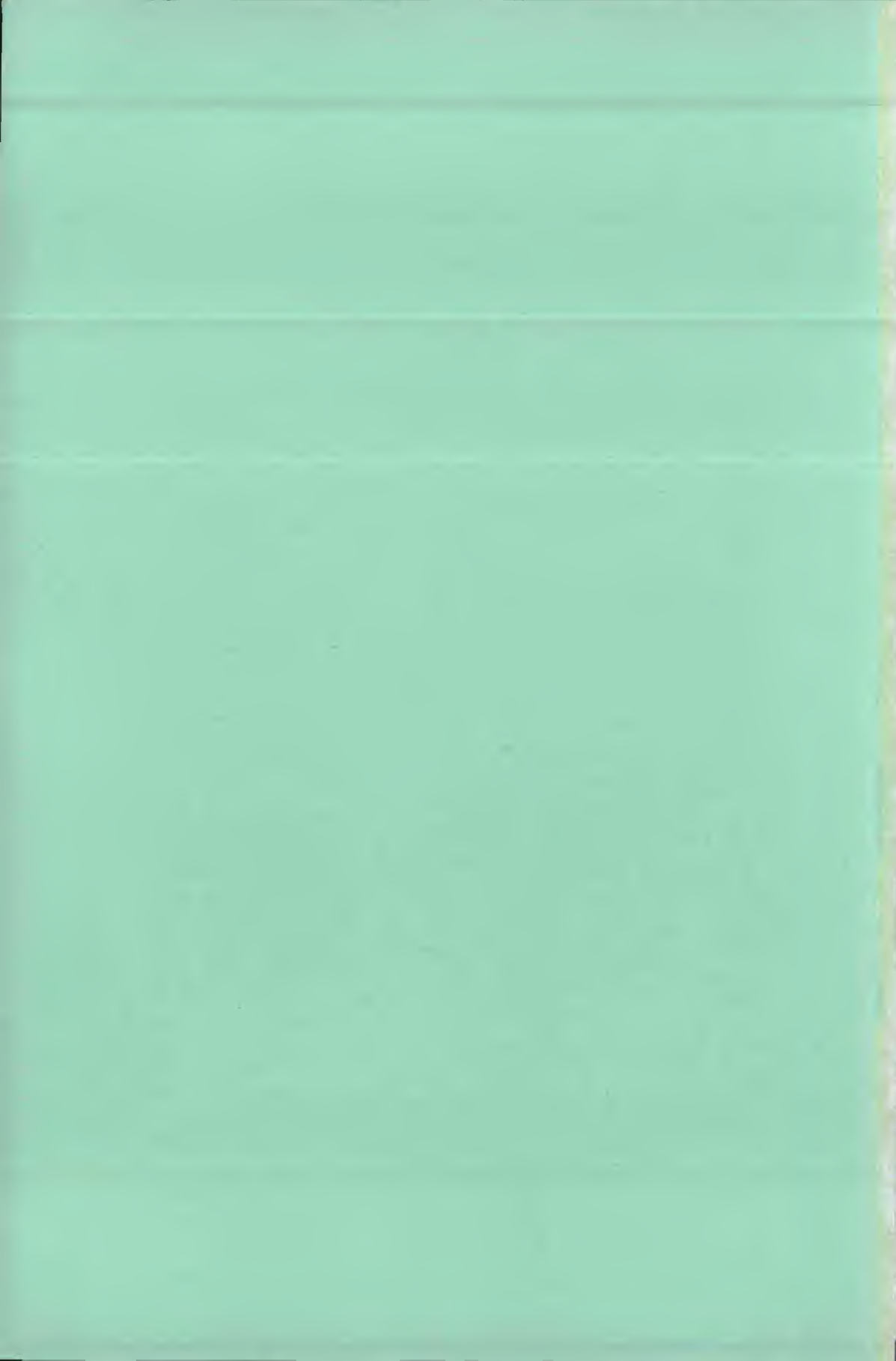
**Report of the  
Committee of Experts  
on the Application  
of Conventions  
and Recommendations**

**General Report  
and Observations concerning Particular Countries**

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International Labour Office Geneva



**International Labour Conference**  
**67th Session 1981**

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**(Part 4A)**

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

**Report of the Committee of Experts**  
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**(Articles 19, 22 and 35 of the Constitution)**

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**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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## **CORRIGENDUM**

**International Labour Conference  
67th Session, 1981  
Report III (Part 4 A)**

In Appendix I, page 207, as regards Poland, transfer Conventions Nos. 11 and 87 to the column of reports received.

**Conférence internationale du Travail  
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A l'annexe I, page 219, en ce qui concerne la Pologne, transférer les conventions n<sup>os</sup> 11 et 87 à la colonne des rapports reçus.

**Conferencia Internacional del Trabajo  
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En el anexo I, página 221, en lo que se refiere a Polonia, pasar los convenios núms. 11 y 87 a la columna de memorias recibidas.





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<sup>1</sup> The roman numerals and letters refer to sections of Part Two of this report and the arabic numerals to the numbers of the Conventions.

<sup>2</sup> The abbreviations used in respect of direct requests are the following:

"Art. 22": application of ratified Conventions in member States.

"Art. 35": application of ratified Conventions in non-metropolitan territories.

"Subm.": submission of Conventions and Recommendations to the competent authorities.

The numbers refer to Conventions.

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Yugoslavia .....	I B, Nos. 81, 92, 102, 111. III.	Art. 22, Nos. 9, 32, 81, 122, 126, 129, 132, 139.
Zaire .....	I B, Nos. 29, 119, 120. III.	Art. 22, Nos. 84, 88, 98, 118.
Zambia .....		Art. 22, Nos. 97, 138. Subm.



PART ONE  
**GENERAL REPORT**





# GENERAL REPORT

## I. INTRODUCTION

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 51st Session in Geneva from 12 to 25 March 1981. The Committee has the honour to present its report to the Governing Body.

2. The composition of the Committee is as follows:

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

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

Mr. Roberto AGO (Italy),

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

Mr. Gunther BEITZKE (Federal Republic of Germany),

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

Mr. Prafullachandra Natvarlal BHAGWATI (India),

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

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

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

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

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

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

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

Mr. Arnold GUBINSKI (Poland),

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

Mr. Frank W. McCULLOCH (United States),

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

Mr. E. RAZAFINDRALAMBO (Madagascar),

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

Mr. Jose Maria PUJA (Argentina),

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

Mr. Boon Chiang TAN (Singapore),

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

## GENERAL REPORT

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

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

former Professor of Labour Law, of the Sociology of Law and of the Philosophy of Law at the University of Utrecht; former Dean of the Law Faculty; former Rector of the University; former President of the Social Insurance Council of the Netherlands;

Mr. Jean-Maurice VERDIER (France),

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

Mr. Joza VILPAN (Yugoslavia),

Member of the Permanent Court of Arbitration; former Attorney-General of Yugoslavia; former Head of the Yugoslav Mission to the United Nations; former Ambassador to India;

Sir John Wood (United Kingdom),

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

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

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

5. In pursuance of its terms of reference, as revised by the Governing Body at its 103rd Session (Geneva, 1947), the Committee was called upon "to examine:

- (i) the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of the Conventions to which they are parties, and the information furnished by Members concerning the results of inspection;
- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (iii) information and reports on the measures taken by Members in accordance with article 35 of the Constitution."

6. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, which consists essentially of the following three parts: (a) review of reports from governments on ratified Conventions, supplied under articles 22 and 35 of the Constitution (see paragraphs 69 to 94 below), and Part Two (I and II); (b) review of information supplied by governments under article 19, paragraphs 5 to 7, of the Constitution on the measures taken to submit Conventions and Recommendations to the competent authorities for the enactment of legislation or other action (see paragraphs 95 to 104 below), and Part Two (III); and (c) review of reports supplied by governments under article 19 of the Constitution on the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973. (See paragraphs 105 to 109 below, and Part III, which is published in a separate volume as Report III (Part 4B).)

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

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

## II. GENERAL

### Membership of the Organisation

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

New Conventions and Recommendations

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

Obligations binding member States

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

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

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

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

Functions in regard to other international  
and regional instruments

International Covenant on Economic,  
Social and Cultural Rights

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

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

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

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

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

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

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

#### European Code of Social Security

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

#### Collaboration with other international organisations

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

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



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

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

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

#### Application of Conventions to offshore industrial installations

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

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

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

#### Application of Conventions in export processing zones

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



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

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

#### Regional examination of the application of standards

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

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

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

Regional seminars on national and international labour standards

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

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

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

Constitutional procedures of complaint

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

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

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

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

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

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

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

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

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

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

#### IV. ACTION FOR THE ELIMINATION OF DISCRIMINATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### VI. THE ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

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

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



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

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

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

#### Observations by employers' and workers' organisations

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

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

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

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

(Footnote continued on next page)

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

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

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

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

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

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

(Footnote continued from previous page)

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

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

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

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



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

#### VII. REPORTS ON RATIFIED CONVENTIONS

(Articles 22 and 35 of the Constitution)

##### Supply of reports

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

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

##### Reports requested and received

71. A total of 1,581 detailed reports were requested from governments on the application of ratified Conventions in States Members (article 22 of the Constitution). At the end of the present session of the Committee, 1,302 of these reports have been received by the Office. This figure corresponds to 82.2 per cent of the reports requested, compared with 79.8 per cent last year. The Committee welcomes this return to a fuller response to the request for reports on ratified Conventions, which again reaches the levels recorded in earlier years. It must, however, record its regret that, as is pointed out in paragraph 80 below, many of the reports received were incomplete and did not enable it to reach a conclusion as to the application of the Conventions concerned. A table showing the reports received and those which are overdue, classified by country and by Convention, is to be found in Part Two (section I, Appendix I). Another table (section I, Appendix II) shows, for each year since 1933 in which the Committee has met, the number and percentage of reports which were received by the prescribed date, by the date of the meeting of the Committee and by the date of the session of the International Labour Conference.

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

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<sup>1</sup> TLO: Summary of reports on ratified Conventions, Report III (Part 1), International Labour Conference, 67th Session, Geneva, 1981.

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

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

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

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

#### Compliance with reporting obligations

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

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

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

#### Supply of first reports

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

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

#### Replies to comments of the supervisory bodies

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

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

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

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

### Late reports

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

### Examination of reports

83. In examining the reports received on Conventions which have been ratified and those which have been declared applicable to non-metropolitan territories, the Committee followed its usual practice of assigning to each of its members the initial responsibility for a group of Conventions. Reports received in sufficient time were sent to the members concerned in advance of the session, and each member then submitted to the whole Committee his preliminary findings on the instruments concerned, for discussion and approval.

### Observations and direct requests

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

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

86. The Committee's observations are set out in Part Two (sections I and II) of the present report, together with a list, under each Convention, of any direct requests. An index of all observations and direct requests - classified by country - will be found at the beginning of this report.

### Practical application

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

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

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

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

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

91. The Committee has also noted with interest the judicial and administrative decisions on questions of principle relating to the application of ratified Conventions to which certain countries referred in their reports. Twenty-seven reports contained information of this kind, and threw additional light on the problems which have arisen in these cases in giving practical effect to the terms of the Conventions concerned.

#### Cases of progress

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

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

Non-metropolitan territories

United Kingdom:

Montserrat	26
St. Helena	17

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

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

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

VIII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS  
TO THE COMPETENT AUTHORITIES

(Article 19 of the Constitution)

95. In accordance with its terms of reference the Committee this year examined the following information<sup>1</sup> supplied by the Governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

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

65th Session

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

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

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<sup>1</sup> ILO: Summary of information on the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference, Report III, (Part 3), International Labour Conference, 67th Session, Geneva, 1981.

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

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

#### 31st to 64th Sessions

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

100. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member, as it emerges from the information supplied by the governments, with regard to the discharge of the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. Appendix II shows the over-all position in this respect for the instruments adopted from the 31st to the 65th Sessions of the Conference.

#### Comments by the Committee and replies from governments

101. In section III of Part Two of this report, the Committee makes individual observations on the points which it considers should be brought to the special attention of governments. Requests with a view to obtaining supplementary information on other points have also been addressed directly to a number of countries, which are listed at the end of that section.

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

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



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

### Special problems

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

## IX. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

### (Article 19 of the Constitution)

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

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

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

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

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

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

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

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

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

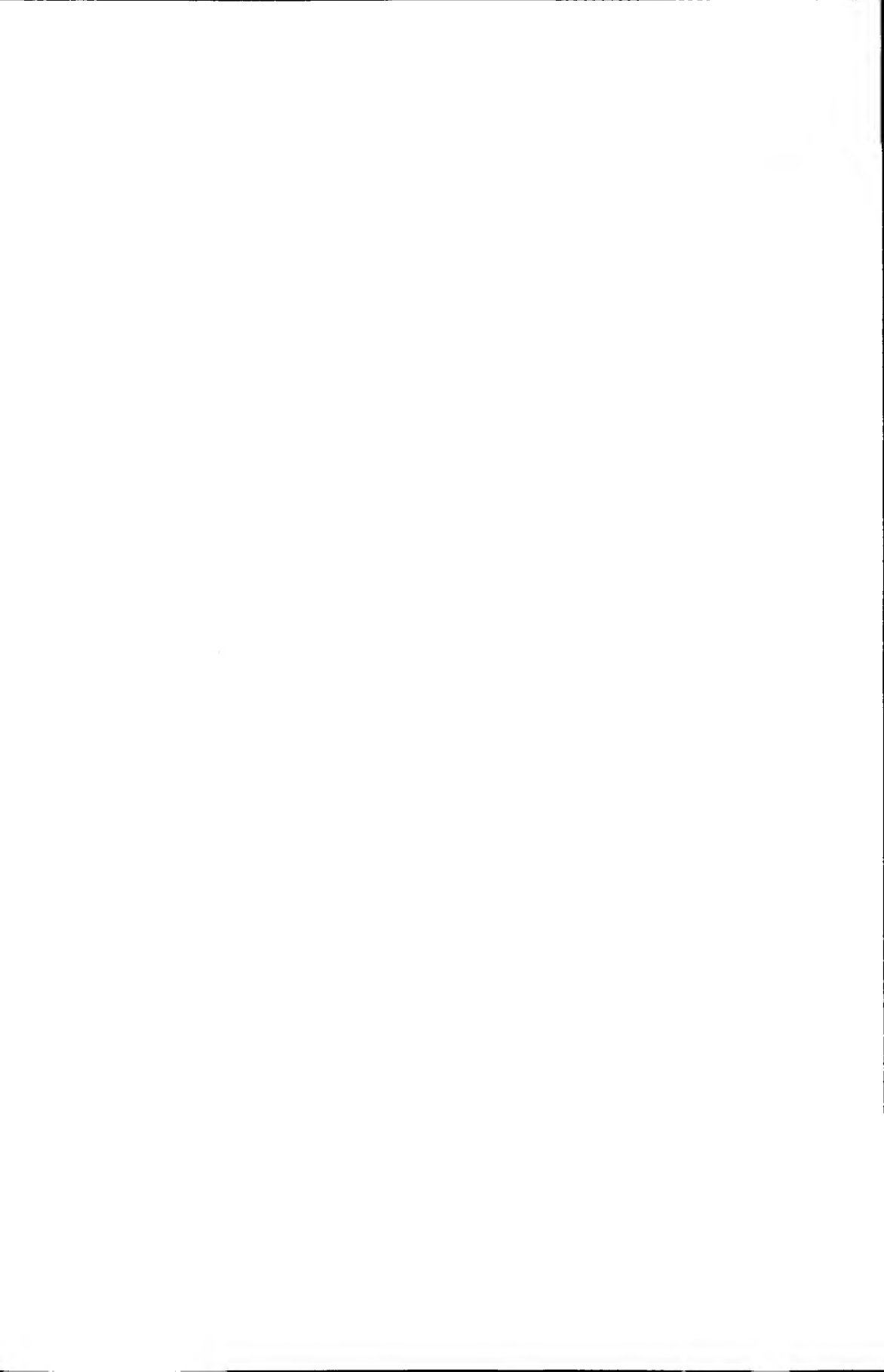
Geneva, 25 March 1981.

(Signed) Adetokunbo Ademola,  
Chairman.

E. Pazafindralambo,  
Reporter.

PART TWO

**OBSERVATIONS CONCERNING PARTICULAR  
COUNTRIES**



## **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**

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

#### **A. GENERAL OBSERVATIONS**

##### **Albania**

The Committee notes with regret that the reports due have not been received. It must recall once again that under article 1, paragraph 5, of the Constitution of the ILO, States continue to be bound, even after their withdrawal from the Organisation, to ensure the observance of ratified Conventions for the period provided for in such Conventions and to report on their application.

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

##### **Bolivia**

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

##### **Brazil**

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

Chad

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

Democratic Yemen

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

Ecuador

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

Guinea

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

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

Guinea-Bissau

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

Iraq

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

Ivory Coast

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

Democratic Kampuchea

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

Lao Republic

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

Lebanon

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

Lesotho

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

Libyan Arab Jamahiriya

The Committee notes with regret that most of the reports due including five first reports (Conventions Nos. 102, 103, 121, 128, 130 on which reports have been due for four years) have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of all ratified Conventions.

Malawi

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

Malaysia

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

Qatar

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

Saudi Arabia

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

Seychelles

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

Somalia

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

South Africa

The Committee notes with regret that the reports due have not been received. It must recall once again that under article 1, paragraph 5, of the Constitution of the 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).

Tanzania

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

Upper Volta

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



Yemen

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

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

## B. INDIVIDUAL OBSERVATIONS

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

Burundi (ratification: 1971)

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

Chile (ratification: 1925)

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

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

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

Egypt (ratification: 1960)

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

India (ratification: 1921)

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

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

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

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

Iraq (ratification: 1965)

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

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

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

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

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

Kuwait (ratification: 1961)

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

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

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

Nicaragua (ratification: 1934)

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

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

Paraguay (ratification: 1964)

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

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

Peru (ratification: 1945)

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

Portugal (ratification: 1928)

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

Syrian Arab Republic (ratification: 1960)

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

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

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

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

### Convention No. 2: Unemployment, 1919

#### Uruguay (ratification: 1938)

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

The Committee notes that in addition a register of applicants for employment has been set up by the National Human Resources Directorate, that applicants are given vocational guidance and assisted in finding training where appropriate; that employers have begun to apply to this register, and that the number of job offers now exceeds the number of applicants registered. The Committee hopes therefore that the progressive development of the National Human Resources Directorate will lead in due course to the establishment, within the framework of the Government's over-all employment policy which the Committee is examining in the context of the Employment Policy Convention, 1964 (No. 122), of a national system of free public employment agencies as part of the national employment service.

### Convention No. 3: Maternity Protection, 1919

#### Argentina (ratification: 1933)

##### 1. Article 3(c) of the Convention

##### (a) Mistake in estimating the date of confinement

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

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

(b) Cash benefits

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

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

Colombia (ratification: 1933)

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

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

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

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

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

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

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

Guinea (ratification: 1966)

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

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

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

Libyan Arab Jamahiriya (ratification: 1971)

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

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

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

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

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

Nicaragua (ratification: 1934)

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

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

Venezuela (ratification: 1944)

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

The Committee requests the Government to provide the following information:

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

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

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



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

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

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

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

#### Bolivia (ratification: 1954)

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

#### Guinea (ratification: 1966)

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

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

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

#### Seychelles (ratification: 1978)

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

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

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

Singapore (ratification: 1964)

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

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

United Kingdom (ratification: 1926)

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

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

**Convention No. 9: Placing of Seamen, 1920**

Colombia (ratification: 1933)

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

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

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

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

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

Mexico (ratification: 1939)

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

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

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

Panama (ratification: 1970)

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

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

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

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

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

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

Guinea (ratification: 1966)

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

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

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

Poland (ratification: 1924)

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

Rwanda (ratification: 1962)

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

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

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

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

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

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

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

#### Afghanistan (ratification: 1959)

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

#### Algeria (ratification: 1962)

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

#### Congo (ratification: 1960)

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

#### Guinea (ratification: 1966)

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

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

Upper Volta (ratification: 1960)

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

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

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

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

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

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

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

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

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

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

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

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

#### Nicaragua (ratification: 1934)

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

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

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

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

Philippines (ratification: 1960)

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

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

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

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

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

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

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



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

Upper Volta (ratification: 1960)

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

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

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

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

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

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

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

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

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

Argentina (ratification: 1955)

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

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

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

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

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

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

#### France (ratification: 1926)

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

#### Federal Republic of Germany (ratification: 1930)

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

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

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

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

Iraq (ratification: 1966)

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

Mauritania (ratification: 1963)

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

Mexico (ratification: 1954)

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

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

Pakistan (ratification: 1932)

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

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

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

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

Panama (ratification: 1970)

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

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

Peru (ratification: 1962)

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

Article 9, paragraph 1, of the Convention. With reference to its earlier observations concerning the discrepancy between section 673 of the Harbourmasters' Offices and National Merchant Marine Regulations and this provision of the Convention, the Committee takes note of the information furnished by the Government in its reports. The Government considers that no better protection is possible for seafarers than that provided for by the legislation in question (under which a contract for an indefinite period may be terminated only in the port of embarkation). It states that the Directorate-General of Harbourmasters' Offices, to which the comments of the Committee have been referred, is of the opinion that it is desirable to continue applying the present system, which ensures that a seafarer shall not be abandoned in a foreign port. The Committee can only point out, as it has already done in its observations of 1974 and 1977, that this provision of the Convention is of fundamental importance in that it guarantees freedom of choice and movement to seamen, by granting them the right to terminate an agreement for an indefinite period in any port where the vessel loads or unloads, provided that the agreed notice is given. Since agreements for an indefinite period are authorised by law, it should be possible to terminate these agreements under the conditions laid down in the Convention.

The Committee hopes that the next report of the Government will contain information on measures adopted to give effect to this provision.

Somalia (ratification: 1960)

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

Venezuela (ratification: 1944)

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

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

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

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

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

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

### Convention No. 23: Repatriation of Seamen, 1926

#### Ireland (ratification: 1930)

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

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

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

#### Philippines (ratification: 1926)

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

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

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

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

#### Chile (ratification: 1931)

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

#### Colombia (ratification: 1933)

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

#### Ecuador (ratification: 1962)

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

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

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

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

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

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

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

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

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

Chile (ratification: 1931)

See under Convention No. 24.<sup>1</sup>

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

Bolivia (ratification: 1954)

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

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



Gabon (ratification: 1960)

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

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

Luxembourg (ratification: 1958)

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

Portugal (ratification: 1959)

The Committee has taken note of a communication from the Free Trade Union of Embroidery, Carpeting and Textile Workers of Madeira, concerning conditions of employment and wages of women homeworkers in embroidery trades. This communication has been sent by the Office to the Government for its comments. The Committee will examine the questions relating to this communication at its next session, when additional information requested from the Government is received.<sup>1</sup>

Rwanda (ratification: 1962)

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

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In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Benin, Central  
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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1981.

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

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

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

Panama (ratification: 1970)

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

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

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

Luxembourg (ratification: 1931)

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

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

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

### Convention No. 29: Forced Labour, 1930

Belgium (ratification: 1944)

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

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

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

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

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

Central African Republic (ratification: 1960)

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

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

Chad (ratification: 1960)

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

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

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

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

Guinea (ratification: 1961)

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

Haiti (ratification: 1958)

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

Indonesia (ratification: 1950)

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

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

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

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

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

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

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

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

Libyan Arab Jamahiriya (ratification: 1961)

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

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

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

Morocco (ratification: 1956)

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

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

Peru (ratification: 1959)

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

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

Tanzania (ratification: 1962)

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

Tanganika

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

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

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

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

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

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



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

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

### Zanzibar

In previous comments the Committee noted that, under section 5 of the Preventive Detention Decree, 1964, regulations may be made applying to persons detained by administrative order any of the provisions of the Prisons Decree, relating to convicted prisoners. As no information has been submitted on the regulations which may have been made in this regard, the Committee has been unable to ascertain that the terms of Article 2, paragraph 2(c) of the Convention, which permits the exaction of labour only from persons convicted in a court of law, are being respected.

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

### Togo (ratification: 1960)

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

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

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

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



Zaire (ratification: 1960)

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

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

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

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

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

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Convention No. 30: Hours of Work (Commerce and Offices), 1930

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Chile (ratification: 1935)

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

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

Guatemala (ratification: 1961)

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

Iraq (ratification: 1962)

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

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

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

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

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

Kuwait (ratification: 1961)

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

Nicaragua (ratification: 1934)

See comments made under Convention No. 1.<sup>1</sup>

Norway (ratification: 1953)

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

Paraguay (ratification: 1966)

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

Syrian Arab Republic (ratification: 1960)

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

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

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

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

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

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

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

Peru (ratification: 1962)

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

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

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

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

Central African Republic (ratification: 1962)

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

Guinea (ratification: 1959)

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

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

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

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

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

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

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

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

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

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

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

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

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

France (ratification: 1939)

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

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

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

France (ratification: 1939)

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

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

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

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

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

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

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

Central African Republic (ratification: 1960)

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

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

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

#### Panama (ratification: 1959)

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

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

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

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

#### Papua New Guinea (ratification: 1976)

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

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

#### Rwanda (ratification: 1962)

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

**Convention No. 43: Sheet-Glass Works, 1934**

Mexico (ratification: 1968)

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

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

**Convention No. 44: Unemployment Provision, 1934**

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

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

Guinea (ratification: 1966)

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

**Convention No. 47: Forty-Hour Week, 1935**

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

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

Mexico (ratification: 1938)

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



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

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

### Convention No. 50: Recruiting of Indigenous Workers, 1936

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

### Convention No. 52: Holidays with Pay, 1936

#### Burma (ratification: 1954)

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

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

#### Central African Republic (ratification: 1964)

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

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

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

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

Morocco (ratification: 1956)

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

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

Peru (ratification: 1960)

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

USSR (ratification: 1956)

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

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

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

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

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

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

### Convention No. 53: Officers' Competency Certificates, 1936

#### Liberia (ratification: 1960)

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

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

#### Mauritania (ratification: 1963)

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

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

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

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

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

Peru (ratification: 1962)

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

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

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

Liberia (ratification: 1960)

The Committee has been pointing out for some years in its observations that, under section 29C(2)(a) of the Maritime Law (as amended by the Merchant Seamen's Act, 1964), the provisions laying down the minimum age for admission to employment at sea do not apply to vessels of less than 75 net tons and that, under section 326 of the same Law, those provisions apply only to vessels engaged in foreign trade. These exclusions are not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

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

Sri Lanka (ratification: 1959)

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

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

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

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

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

#### Algeria (ratification: 1962)

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

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

#### Central African Republic (ratification: 1964)

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

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

#### Guinea (ratification: 1966)

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

#### Mauritania (ratification: 1963)

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

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

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

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

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

Algeria (ratification: 1962)

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

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

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

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

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

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

Cuba (ratification: 1953)

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

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



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

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

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

**Peru (ratification: 1962)**

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

The Committee trusts that the regulations and collective agreements in question will ensure the effective application of the various Articles of the Convention, whose application was also the subject of discussions during the direct contacts that took place in 1972 and 1978.<sup>1</sup>

**Portugal (ratification: 1952)**

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

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

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

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

Spain (ratification: 1971)

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

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

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

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

Peru (ratification: 1962)

Articles 3 and 4 of the Convention. The Committee refers to its previous comments and notes that, although Presidential Decree No. 008/74/TR of 27 May 1974 prescribes a certificate of qualification for engagement as ship's cook, the regulations concerning the conditions for the granting of the prescribed certificate (professional examination, age and minimum period of service) are still under study.

The Committee hopes that the Government will very shortly adopt the necessary measures to ensure the effective application of the provisions of the Convention, which was the subject of direct contacts in 1972 and 1978.<sup>1</sup>

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



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

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

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

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

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

Spain (ratification: 1971)

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

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

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

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

Philippines (ratification: 1960)

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

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

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

Panama (ratification: 1970)

See comments made under Convention No. 77.

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

**Convention No. 81: Labour Inspection, 1947**

Bolivia (ratification: 1973)

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

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

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

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

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

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

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

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

Central African Republic (ratification: 1964)

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

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

Chad (ratification: 1964)

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

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

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

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

Costa Rica (ratification: 1954)

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

Cuba (ratification: 1954)

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

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

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

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

Dominican Republic (ratification: 1953)

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

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

France (ratification: 1950)

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

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

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

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

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

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

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



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

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

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

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

Guinea (ratification: 1959)

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

Haiti (ratification: 1952)

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

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

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

Ireland (ratification: 1951)

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

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

Malawi (ratification: 1965)

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



Mauritania (ratification: 1963)

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

Nigeria (ratification: 1960)

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

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

Paraguay (ratification: 1967)

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

Peru (ratification: 1960)

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

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

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

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

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

Suriname (ratification: 1976)

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

United Kingdom (ratification: 1949)

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

Uruguay (ratification: 1973)

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

Yugoslavia (ratification: 1955)

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

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

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

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

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

Somalia (ratification: 1960)<sup>1</sup>

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

<sup>1</sup> The Government of Somalia when it became a Member of the ILO stated that it would continue to apply the provisions of Convention No. 84 until such time as it would have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

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

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

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

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

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

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

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

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

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

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

#### Algeria (ratification: 1963)

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

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

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



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

Argentina (ratification: 1960)

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

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

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

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

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

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

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

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

Bolivia (ratification: 1965)

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

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

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

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

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

Bulgaria (ratification: 1959)

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

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

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

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

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

#### Burma (ratification: 1955)

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

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

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

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

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

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

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



Byelorussian SSR (ratification: 1956)

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

United Republic of Cameroon (ratification: 1962)

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

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

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

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

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

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

Central African Republic (ratification: 1960)

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

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

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

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

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

Chad (ratification: 1960)

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

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

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

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

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

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

and employers, in general, as provided for in Article 5 of the Convention.<sup>1</sup>

Congo (ratification: 1960)

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

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

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

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

Costa Rica (ratification: 1960)

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

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

Cuba (ratification: 1952)

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

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

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

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

#### CYPRUS (ratification: 1966)

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

#### Czechoslovakia (ratification: 1964)

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

#### Right of workers to establish organisations of their own choosing

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

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

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

Right to organise of members of collective farms

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

Dominican Republic (ratification: 1956)

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

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

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

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

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

Egypt (ratification: 1957)

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

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

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

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

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

The Committee hopes that the new Act, presently under consideration, will make it possible to bring the legislation into full conformity with the Convention in the light of the comments made above and it asks the Government to provide information on any developments in the situation.

Ethiopia (ratification: 1963)

The Committee has noted the indications given by the competent national authorities to the representative of the Director-General of the ILO during the course of the direct contacts that took place in January 1980. It has also noted the information supplied by a Government representative to the Conference Committee in 1980, according to which everything possible would be done as regards the matters raised by the Committee and discussed during the direct contacts. It further notes from the Government's last report that the new draft Labour Proclamation, which is to replace the Labour Proclamation of 1975, has yet to be finalised.

The Committee recalls that its earlier comments related to the following provisions of the Labour Proclamation of 1975 which it had considered incompatible with the Convention: sections 51(2), 52(3)(b), 50(4) and (7) and 49(2), establishing the system of a single trade union; sections 106 and 99(3), placing restrictions on the right to strike, and sections 51(2) and 109(13) restricting the right of international affiliation.

The Committee had furthermore observed that certain categories of workers (such as public service employees and domestic servants) were not covered by the Labour Proclamation.

Finally, the Committee has stressed the need for the Government to take measures to ensure that not only workers but also employers may exercise freely the right to organise, and had expressed the view that it did not appear that the organisations mentioned in the Chamber of Commerce Proclamation of 1978 constitute employers' organisations in the sense of the Convention, that is to say, organisations to further and defend the interests of the employers (Article 10). In this regard the Committee notes the information provided by the Government during the direct contacts in 1980, according to which a special committee was currently examining the Chamber of Commerce Proclamation with a view to its amendment in certain respects.

The Committee hopes that the elaboration of the new Labour Proclamation and the amendment of the Chamber of Commerce Proclamation will be completed at an early date and that the new texts will ensure full compliance with the Convention on all the points enumerated above.<sup>1</sup>

Gabon (ratification: 1960)

The Committee notes the information provided by the Government in its report. It has also examined the constitution of the COSYGA, the single trade union central organisation.

1. The Committee has commented on the compulsory affiliation of the organisations to the central occupational organisations (COSYGA for the workers and CPG for the employers), provided for by the Labour Code, section 174.

The Government states that the revision of various sections of the Code, including section 174, is under consideration. The Committee again points out that the compulsory affiliation, under penalty of

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

illegality, of existing or future workers' or employers' organisations to the single central organisation of workers or of employers is contrary to the rights guaranteed by the Convention in Articles 2, 3, 5 and 6, under which, in particular, workers and employers have the right to establish the organisations of their own choosing.

2. The Committee has also commented on the conciliation and arbitration procedures (sections 239, 240, 245 and 249 of the Labour Code). It notes that a decision of the arbitration board is subject to appeal by either party, failing which it becomes executory. In the event of an appeal the arbitration decision may either be confirmed or be amended. It understands that the total effect of the various provisions mentioned might be to make any legal strike practically impossible. However, restrictions of this kind considerably limit the opportunities of trade unions of furthering and defending the interests of their members (Article 10 of the Convention) and the right of trade unions to organise their activities (Article 3 of the Convention).

The Committee requests the Government to take the appropriate measures in these matters.

#### Ghana (ratification: 1965)

The Committee recalls that for a number of years it has been making comments on the following points:

- (1) sections 11(3) and 12(1) (d) of the Trade Unions Ordinance, 1941, allow the Registrar of trade unions to refuse to register a union where observations or objections have been made in relation to an application for registration;
- (2) section 3(4) of the Industrial Relations Act, 1965, also allows the Registrar to refuse to appoint a trade union if another union representing the same category of employees or a part of such category already holds a certificate of registration;
- (3) the lack of provisions concerning the right to form and join federations and confederations or the right to join international organisations of workers or employers.

The Committee notes that it is still the opinion of the Government in consultation with the employers' and workers' organisations that the proposed amendments to the law will not be in the best interest of the economy as this will encourage splinter unions.

It also notes that the Ghana Trades Union Congress and its 17 national unions are affiliated to the Organisation of African Trade Union Unity (OATUU).

The Committee considers that the powers vested with the Registrar are too wide in scope to be compatible with Articles 2 and 6 of the Convention, under which workers and their organisations should have the right to form and join organisations, federations and confederations of their own choosing. The Committee requests the Government to re-examine its legislation in light of the considerations set forth above in order to bring it into conformity with the Convention.

In addition, as regards the Emergency Powers Decree of 7 November 1978, the Committee would wish to be informed whether the state of emergency is still in force, and if any strikes had occurred in the reporting period.



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Greece (ratification: 1962)

During its previous session, the Committee referred to observations submitted by the World Federation of Trade Unions on the application of Conventions Nos. 87 and 98 by Greece. These observations, which were transmitted to the Government, referred to the application of Act No. 3239 of 1955 and compulsory arbitration, among other things.

The Government states in its reply that where collective bargaining fails, the official services can provide optional mediation at the request of one of the parties. If the mediation breaks down, the matter is put before the arbitration tribunals. The Government emphasises that practically all the disputes are brought before these tribunals by the workers themselves.

The Committee notes that the Committee on Freedom of Association has examined this Act (Case No. 976, 204th report, paragraph 200) without reaching the conclusion that it is not in conformity with the principles of Conventions Nos. 87 and 98.

With reference to its earlier comments, the Committee notes the information supplied by the Government to the Conference Committee in 1977 and that contained in its reports.

With regard to the system of financing trade union organisations (Legislative Decree No. 42 of 1974), the Committee has already asked the Government to adopt legislation enabling the trade unions should they so wish, to provide by collective agreement for a check-off system for the payment of members' dues.

The Government states that the check-off system is already practised under collective agreements in certain branches of activity and that it may be established by arbitration award, which enables it to operate even in cases where the parties have not been able to reach a collective agreement. The Government states again that it is willing to abolish the present system, which is temporary, but that no request to this effect has been sent to it by the trade union organisations.

The Committee notes that the check-off system for the payment of union members' dues is already used in practice in certain sectors. It therefore invites the Government to take measures to enable this system to be used by workers' organisations so wishing.

The Committee is addressing a direct request to the Government on questions relating to seafarers, journalists and public employees.

Guatemala (ratification: 1952)

With reference to its earlier observations, the Committee takes note of the statement by the Government representative to the Conference Committee in 1980 and also of the concern shown by this Committee in the face of the serious problems raised throughout long years by the application of the Convention. In relation to this, the Committee also observes that the Committee on Freedom of Association at paragraph 17 of its 207th Report points out that, in the absence of any reply from the Government of Guatemala, it has been unable to pronounce on Cases Nos. 954, 957, 975, 978 and 1026, most of which contain extremely serious allegations of the violation of freedom of association.

The Committee is therefore bound once again to recall its comments on the provisions of the legislation in force that are

contrary to those of the Convention, namely: prohibition of the re-election of trade union leaders (section 222(a) of the Labour Code); supervision of trade unions by the Government (section 211(a) and (b) of the Code); possibility of refusing the establishment of more than one union in an undertaking (section 211(a) of the Code); dissolution of unions that have been active in questions of electoral or party politics (section 226(a) of the Code); and restrictions on the rights of workers in decentralised, autonomous and semi-autonomous state enterprises in union matters (section 4 of Decree No. 1786 of 1968). The Committee has also pointed out that no regulations have been issued in application of section 63 of the Civil Service Act, which recognises the right of free association of public servants for occupational purposes. In this connection, the Committee on Freedom of Association, in its examination of Case No. 924, has stated that the dissolution by administrative authority of three civil servants' organisations in Guatemala is contrary to the principles of freedom of association.

The Committee observes that the Government repeatedly refers to a new Labour Code that will bring the legislation into conformity with the provisions of the Convention. The Committee, in view of the time that has passed since it made its first comments, considers that the legislation must be brought into conformity as soon as possible, whether through the adoption of a new Labour Code or simply through the adoption of legal provisions respecting freedom of association that conform to those of the Convention.<sup>1</sup>

#### Honduras (ratification: 1956)

The Committee notes the statement by the Government in its report to the effect that the observations of the Committee of Experts on sections 2, 472, 510(c), 537(1) and 541 of the Labour Code have been circulated to all workers' and employers' organisations in the country. The Government is waiting for these organisations to explain their point of view on these questions.

The Committee hopes that the Government will be able in the near future to bring the following provisions of the Labour Code into conformity with those of the Convention, since the points in question have been the subject of comments for many years:

- (1) amendment of section 2 of the Labour Code so as to extend the right to join trade unions expressly to workers in agricultural or stock-raising undertakings not regularly employing more than ten workers with a view to bringing this section into conformity with Article 2 of the Convention;
- (2) amendment of section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention in not permitting the existence in a given undertaking, institution or establishment of more than one plant union and providing that, where there is already more than one union, only that with the greatest number of workers shall remain in existence;
- (3) amendment of section 510(c) of the Labour Code, which is inconsistent with Article 3 of the Convention in requiring that union officers shall, at the moment of election, be following normally the occupation or function characteristic of the union and have exercised it for more than six months during the preceding year;

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

- (4) bringing into conformity with Article 6 of the Convention section 537, under which federations and confederations are not entitled to declare a strike, and section 541, which provides that the leaders of federations and confederations shall have been carrying out the corresponding occupation or function during more than one year before election.

The Committee points out that the Government has stated that the legislation will be amended on these points and it asks the Government to send soon information on all measures taken to bring the legislation into conformity with the Convention.

Hungary (ratification: 1957)

With reference to its earlier comments, the Committee takes note of the information provided by the Government.

The comments of the Committee related to the recognition of the right of workers to establish organisations of their own choosing. The Committee notes the explanations of the Government and observes in particular that, according to the Government, as was stated in its previous report, the right to organise is guaranteed not to a particular union but to unions in general, or rather to existing organisations or bodies that are to be set up in a given undertaking. It observes further, however, that the Labour Code refers explicitly and exclusively to the works committee and the National Council of Trade Unions. The Committee therefore asks the Government to state what measures it intends to take so that the legislation shall clearly guarantee to workers the possibility of legally establishing, should they so wish, organisations that are independent of those already existing.

With regard to the right to organise of members of co-operatives, the Committee notes that the right of association and right to organise guaranteed by the Constitution apply in this field too. The Government also states that, on account of the structure of the co-operative movement, members of co-operatives have not yet wished to avail themselves of their right to establish organisations. The Committee takes note of these explanations, but asks the Government to provide information on any development that may occur in this question whether in law or in practice.

Ireland (ratification: 1955)

With reference to its earlier comments, the Committee takes note of the information provided by the Government to the Conference Committee in 1979 and in its report and also the comments submitted by the Irish Congress of Trade Unions. These comments relate to the absence of protection for certain classes of workers, the result of which might be that workers taking part in peaceful strike picketing during a strike would be sued for damages.

The Committee notes the statement by the Government that new legislation will be adopted shortly to extend the provisions of the Trade Disputes Act, 1906, as the Trade Union Congress has requested.

The Committee hopes that the Government will shortly adopt the appropriate measures and it asks the Government to continue to provide information on the matter and to send copies of the amendments to the Act as soon as they have been adopted.

Jamaica (ratification: 1962)

Referring to its previous comments, the Committee notes the information communicated by the Government in its last report that the provisions of the Labour Relations and Industrial Disputes Act are under review. The Committee hopes that the proposed re-examination of these provisions will take into account the Committee's previous comments concerning the list of essential services which is too wide in scope to be considered compatible with the Convention, as it permits strikes to be stopped in a wide range of activities, such as the banking services, transport, loading and unloading of ships, oil refining, etc. The Committee recalls that the list of essential services should be limited to those services whose interruption might endanger the existence or well-being of the whole or part of the population.

The Committee has already referred to the Labour Relations and Industrial Disputes Act, 1978, as amended, which grants the Minister the right, at his own initiative, to refer to the Tribunal an industrial dispute for compulsory arbitration to "safeguard the national interest" (section 15(iii)). The Government indicates that this procedure is resorted to within the framework of the restrictions imposed by the Pay Guidelines of 1978, which in the Committee's view, appears tantamount to a system of compulsory arbitration. Such a procedure should be confined to essential services only in the strict sense of the term. The Committee therefore requests the Government to re-examine its legislation with a view to bringing it into conformity with the Convention and to provide any information on steps taken to ensure its application.

Japan (ratification: 1965)

The Committee notes the information supplied by the Government in its reports, the comments made by the General Council of Trade Unions of Japan (SOHYO) and the Government's replies to them.

For many years, the Committee has been commenting on the trade union rights of fire-fighting staff; it had noted in its previous comments that this category of personnel had formed an association. The Committee notes the statement by the Government that it is continuing carefully to study the question in a longer-term perspective. It requests the Government to supply information on any developments which might take place in the field of trade union rights of these workers.

In its observations, the SOHYO refers to the Japanese Trade Union of Municipality and Prefecture Workers (JICHIFO) which has been refused legal personality. The Committee notes that, according to the Government, the competent authority consulted by the trade union in question stated that, in fact, certain provisions of the constitution made it difficult, under the law, to grant legal personality; the competent authority has not received a formal request. The Committee notes that the legal provisions to which the Government refers (section 5(2) of the Act granting legal personality to organisations of employers, etc.) are of a formal nature and aim at guaranteeing certain democratic procedures in trade unions. The Committee points out that, according to certain information sent previously by the Government, the JICHIFO trade union appears to function normally and to represent the interests of its members, in particular during certain official consultation meetings. However, the Committee requests the Government to indicate what are the consequences for a trade union when it does not enjoy legal personality.

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The Committee notes the information supplied by the Government on the definition of managerial, supervisory and confidential staff, a question which was raised again by the SOHYO. The Committee notes the explanations given by the Government in this connection to the Conference Committee in 1979. It also notes that this category of workers (managerial or high-level staff) have the right, according to the law, to associate, but in separate organisations. The Committee requests the Government to indicate the approximate proportion of staff which correspond to the legal definition out of the total of other workers in the sectors concerned.

As regard the sanctions applied for striking in the public service, the Committee points out again that measures of this kind - penal sanctions against trade union leaders and administrative sanctions against workers - can lead to serious difficulties as regards the development of industrial relations. The Committee refers in this connection to the view taken by the Committee on Freedom of Association according to which a flexible attitude in the application of sanctions is more conducive to the harmonious development of industrial relations.

Kuwait (ratification: 1961)

With reference to its earlier comments concerning the need to amend the trade union legislation, the Committee notes that the Government, in its last report, repeats its intention to amend the Labour Law.

The Committee points out that its comments relate to the following questions: the formation of trade unions; the membership of national and foreign workers; the denial of the right to vote to foreign trade union members; the inspection of the books and registers of trade unions; the disposal of union property in the event of dissolution; the prohibition of political activity by unions; and restrictions on the formation of federations and confederations of unions.

The Committee trusts again that the draft amendment to the Labour Law, to which the Government has been referring for several years, will bring the legislation into conformity with the Convention, and requests the Government to report any progress made.<sup>1</sup>

Liberia (ratification: 1962)

With reference to its previous observations, the Committee takes note of the statements made by the Government representative to the Conference Committee in 1980 and of the information provided by the Government in its last report.

Right to organise of state employees. The Committee has already noted that the national legislation does not recognise the right to organise of state employees. It has also noted that the draft Labour Bill that has been under preparation for several years guarantees this right to the employees of public undertakings but excludes the employees of the Government (section 1(1) (h) and section 1(2)).

A Government representative at the Conference Committee stated in this connection that under Convention No. 98 it was possible to exclude

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

public servants engaged in the administration of the State from the rights and guarantees provided for by the Convention in respect of collective bargaining and that Convention No. 87 should be read in conjunction with Convention No. 98. The Committee is bound to point out that Convention No. 87 provides expressly that all workers without distinction whatsoever (including employees of the State) shall have the right to establish organisations for furthering and defending the interests of their members. The legislation should therefore recognise the right to organise of all state employees.

Supervision of trade union elections by the Labour Practices Review Board. The Committee observes that the Bill no longer contains restrictive provisions in this field and that it thus ensures fuller application of the Convention on this point.

Right of agricultural workers to organise jointly with industrial workers. The Committee has already noted that section 4601-A of the Labour Practices Act prohibits an industrial labour organisation from exercising any privilege or function for agricultural workers. It has pointed out that this restriction could bring about an impediment to the development of trade union organisations among agricultural workers, since it prohibits both the joint membership by agricultural and industrial workers in the same union and the joint membership by industrial and agricultural workers' unions of the same national trade union centre. The Committee notes with interest from the statement of a Government representative to the Conference that trade unions may organise in all sectors, including the agricultural sector. The Committee nevertheless hopes that the proposed Bill will explicitly repeal section 4601-A.

Abolition of the right to strike. The Committee takes note of Decree No. 12 of 30 June 1980 abolishing strikes and declaring that all labour disputes shall be handled exclusively by the Minister of Labour, Youth and Sports. The Committee points out that a prohibition of strikes in all the economic activities of the country constitutes a considerable limitation of the possibilities of action of trade union organisations and that such a limitation is not compatible with the principles of freedom of association generally admitted. The Committee asks the Government to consider taking measures to bring the legislation into conformity with the Convention.

The Committee also hopes that the Bill, which has been under study for several years, will take account of its comments and will be adopted in the near future.<sup>1</sup>

#### Malta (ratification: 1965)

The Committee takes note of the information provided by the Government in its reports and the various comments of the Malta Confederation of Trade Unions and also the conclusions of the Committee on Freedom of Association concerning questions that the Committee has also examined in its earlier comments.

With regard to the setting up of the Joint Negotiating Council for public officers and the Industrial Tribunal (sections 25 and 26 of the Industrial Relations Act, 1976), the Committee observes that there no longer seems to be anything in the way of the full application of

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

the Act. The Committee notes that, according to the information supplied by the Government, the provisions regarding industrial relations, which had not yet been applied, will be applied shortly, and that the Joint Negotiating Council will be formed in the near future. The Committee would request the Government to supply information on developments in this connection.

The Committee is addressing a direct request to the Government on other questions.

Mauritania (ratification: 1961)

The Committee notes that the proposed amendments referred to in its previous observation are to be re-examined during the revision of the Labour Code that is now going on. The Committee points out that it has been commenting for several years on various provisions of the Labour Code (section 1 of Book III, prohibiting the setting up of more than one union in any trade or occupation and similar trades or occupations; sections 40 and 48 of Book IV, under which a strike or lockout can be prohibited by submitting the collective dispute to an arbitration procedure).

The Committee hopes that the revision of the Labour Code that is now being carried out will take account of its comments and asks the Government to provide information on any development in the matter.

Mexico (ratification: 1950)

The Committee regrets to note that the Government maintains its position concerning the Federal Act on State Employees. In these circumstances the Committee can only repeat its previous conclusions, namely that this Act contains various provisions (sections 68, 69, 71, 72, 73, 75, 79 and 84) which are not in conformity with the provisions of the Convention, and which refer - among other questions - to the prohibition of forming more than one trade union in each public body, prohibition of membership of trade unions and prohibition of re-election of trade union leaders. It hopes that the Government will re-examine the question and it asks the Government to supply information on any development in the matter.

Mongolia (ratification: 1969)

Following its previous comments, the Committee has noted the information communicated by the Government in its reports.

1. The Committee had requested the Government to indicate on what legal basis trade union organisations other than those in existence at present could, if they so wish, be constituted and function.

The Committee notes that, according to the Government, Part I of article 82 of the Constitution, which deals with the right of association, assures to all citizens, whatever their field of activity or social position, the right to join in social or other organisations to represent and defend their interests. The Committee notes, however, that, as already observed in its previous comments, article 82 of the Constitution seems to establish a close link between mass organisations, in particular trade unions, and the People's Revolutionary Party. The Government indicates on this point that the guiding role of the Party finds expression in particular in an

ideological and political administration and in the determination of the fundamental goals of society and of the direction in which it is to develop. The Committee notes this information. It requests the Government to indicate which measures might be taken to allow workers legally to constitute, if they so wish, organisations to defend them and represent their interests independently and without any links with the Party.

2. As to the trade union rights of members of agricultural co-operatives, who are excluded from the Labour Code (section 3), the Committee notes that the agricultural trade union organisations represent the interests of their members, manual workers, employees, farmers and stockraisers, irrespective of whether or not they are members of the agricultural co-operative.

3. The Committee again requests the Government to communicate the text of the regulations relating to the rights of trade union committees, to which the Government referred in a previous report, and which the Committee requested the Government to supply in 1977 and 1979.

#### Netherlands (ratification: 1950)

With reference to its previous observation, the Committee takes note of the discussions that were held at the Conference Committee in 1980 and the information provided by the Government in its report and in its reply to the comments made in 1979 by the Confederation of the Netherlands Trade Union Movement.

The Committee notes in particular the very detailed explanations of the Government on the various successive measures limiting bargaining on wages. The Government explains that it endeavours to maintain tripartite consultations so as to reach agreement during regular discussions. It was a breakdown of these discussions at a time critical for the economy of the country, according to the Government, that compelled it to take measures. Those taken in 1980 were to end in December of that year, and negotiations have been started in the various branches of industry to settle the situation after the lapse of the measures in question.

In its most recent report, received just before the present session of the Committee, the Government states that a new Act known as the Limited Wage Moderation Act was promulgated in December 1980. The restrictive measures of this Act apply only to a part of wages and salaries. The Government also states that they are only one element in a policy of economic recovery.

The Committee notes that the measures of moderation in wage increases adopted by the Government for 1981 are of a limited nature.

The Committee is fully aware of the efforts made by the Government to reach agreement on a tripartite basis and to maintain the free fixing of wages as a basic principle, but it cannot fail to observe that the Government has for six years been repeatedly and almost continuously taking measures to restrict bargaining on wages.

Free collective bargaining, including bargaining on wages, is one of the means available to workers' organisations for furthering and defending the interests of their members and it is an important aspect of their activities. Article 3 of the Convention provides that the organisations shall have the right to organise their activities and that "the public authorities shall refrain from any interference which



would restrict this right". The Committee therefore asks the Government to keep it informed of any measures it envisages taking in this connection.

Nicaragua (ratification: 1967)

The Committee takes note of the information provided by the Government in its last report and has examined the text of the Charter of Rights and Guarantees of Nicaraguans of 21 August 1979 and that of Decree No. 790 of 6 April 1979, which amends sections 188 to 209 of the Labour Code and certain regulations of the Regulations on trade union associations.

The Committee observes that, although Decree No. 790 provides for appeal to the judiciary in the event of refusal to register trade unions by the administrative authority (section 195), it considerably limits the right to establish trade unions. Thus, the new section 189 requires too high a number of members for the establishment of works unions by providing that a union may be established only with the absolute majority of workers in the undertaking or workplace concerned (which, contrary to Article 2 of the Convention, makes it impossible to establish more than one union in the same undertaking where the workers so desire), and the new section 200 (d) places excessive limitations on the right to form inter-occupational unions.

In addition, the Committee wishes to recall the comments it has been making on the application of Conventions Nos. 87 and 98, which relate to the following points:

- trade union rights of persons excluded from the scope of the Labour Code, that is, public officials, those working in family workshops and self-employed workers in the urban and rural sectors (sections 2, 3, 9 and 175 of the Labour Code);
- the legislative provisions under which only employed workers can hold trade union office (regulations 23 and 24 of the Regulations), members of the executive committee cannot be elected for more than two successive terms (regulation 35) and members of this committee can be dismissed by administrative action, without appeal to the judiciary (regulations 39 and 41), are not in conformity with Article 3 of the Convention;
- also in conflict with Article 3 of the Convention are certain provisions that call for the representation of the labour administration in constituent meetings and general meetings of trade unions (regulations 10 and 31 of the Regulations), the presentation of registers and other documents to the authorities at any time (regulation 36) and the allocation of a certain percentage of trade union dues to specific objects (regulation 20);
- the restrictions on the right to strike provided for in sections 225, 228 and 314 of the Code are not compatible with Articles 3, 8, paragraph 2, and 10 of the Convention;
- the number of trade union delegates to a federation congress is limited by regulation 52 of the Regulations.

The Committee also notes that the Regulations on trade union associations of 9 April 1951 are applied subject to Decree No. 790 of 6 April 1979. In this connection, the Committee would be grateful if the Government would state whether the new section 191 maintains in

force regulation 23 of the Regulations on trade union associations; whether, under the new section 207, the restrictions on the establishment of inter-occupational unions (section 200(d)) also apply to federations and confederations; and whether the new section 207 leaves in force regulations 44 and 63 and regulations 43 and 62 of the Regulations.

The Committee also asks the Government to state whether the general prohibition of political activities by trade unions laid down by section 204(b) of Decree No. 790 has been amended or not by sections 24, 25 and 31 of the Charter of Rights and Guarantees of Nicaraguans of 21 August 1979.

The Committee also notes the statement by the Government that it is not now possible to establish national trade unions. The Committee would be grateful if the Government would indicate the legal basis of this restriction.

Lastly, the Committee notes that a draft Bill on trade union organisations is under study and hopes that, as the Government states in its report, the future reform will take account of its comments and that the Government will provide information on any development in the matter.<sup>1</sup>

#### Nigeria (ratification: 1960)

The Committee has noted the information communicated by the Government to the Conference Committee in 1979 that certain measures had been adopted during the state of emergency, which has since been lifted.

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

In its previous comments, the Committee recalled that the imposition of a single central trade union organisation by legislation or regulation is not compatible with Articles 2, 5 and 6 of the Convention under which workers have the right to establish the organisations of their own choosing. As the Committee pointed out, while there may be an advantage in the unity of the trade union movement, this unity should be the spontaneous outcome of the free development of the trade unions and should not be imposed by state intervention through legislation or regulations.

In this connection, the Committee must note that Decree No. 22 of 1978, amending the Trade Unions Decree, 1973 (No. 31), imposes a single trade union system: the Central Labour Organisation is designated by name as the sole confederation; registered trade unions are compulsorily affiliated to the confederation; a number of listed trade unions are automatically registered, while the registration of all existing trade unions under the 1973 Decree is automatically cancelled without right of appeal; in addition, only one trade union may exist for each category of workers.

The Committee recalls its previous comments referred to above. It recalls, in addition, that the cancellation of the

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

registration of trade unions by decree is equivalent to their dissolution by administrative authority and constitutes a measure contrary to Article 4 of the Convention.

In these circumstances, the Committee requests the Government to re-examine the whole issue in the light of the Convention's principles, and to examine the measures which might be taken to adapt the legislation to these principles.<sup>1</sup>

Pakistan (ratification: 1951)

In relation to its previous comments, the Committee notes the information supplied by the Government to the Conference Committee in 1979 and in its last report.

As regards the right to organise of civil servants, the Committee had noted in its previous comments that associations had been established in the civil service. The Committee again requests the Government to communicate the texts which authorise government employees to form associations without restrictions.

The Committee notes that, according to the Government's report, the position of civil servants above grade 16 is still being examined; it requests the Government to supply information on developments in the situation.

The Committee had also made comments on the powers of financial supervision of the Registrar of trade unions. The Committee notes that, according to the Government, the legal procedure provided is essential for ensuring the legitimate use of trade union funds in conformity with the trade union rules. In addition, the Committee notes that there has not been any court action on this question since the adoption of the Act.

Panama (ratification: 1958)

The Committee has for several years been commenting on various sections of the Labour Code that conflict with the provisions of the Convention, namely: section 344 (which requires too high a number of members to set up an occupational organisation), section 346 (which prohibits the setting up of more than one trade union in an undertaking), section 359 (under which a trade union officer dismissed from his employment ceases to hold office), section 376(4) (under which the labour authorities may check the records and accounts of unions at practically any time) and section 347 (which requires that 75 per cent of union members shall be Panamanian).

The Committee observes that the last report of the Government brings no new information in this connection. It therefore once more wishes to express the hope that the Government will re-examine these questions in order to bring its legislation into conformity with the provisions of the Convention.

The Committee also hopes that the conditions of service of staff in the public sector, which are still under study, will be adopted in

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

Paraguay (ratification: 1962)

In its previous comments the Committee has noted that, although sections 347 et seq. of the Labour Code contain certain provisions relating to the right to strike, the Code of Labour Procedure renders these provisions inoperative by establishing a system of conciliation and arbitration whose awards the parties are bound to accept. This results in prohibition of the right to strike in practice, which seriously restricts trade union activities and is thus contrary to Articles 3, 8 and 10 of the Convention.

In its report the Government simply indicates that no new provision has been adopted in this connection.

Since the Committee has been raising the question of the exercise of the right to strike for many years, it hopes once again that measures will be adopted in the near future to bring the legislation into conformity with the Convention in this matter.

The Committee further points out that under the Convention public servants must enjoy the right to associate for trade union purposes. It again asks the Government to state how associations of public servants can defend their members' interests and what kind of trade union activities these associations carry on, since section 31 of Act No. 200/70 expressly confines the activities of associations of public servants to cultural and social ends.

The Committee again asks the Government to state what procedures are applicable in respect of labour disputes in public undertakings, since section 2 of the Labour Code provides that labour disputes involving officials or manual or non-manual workers in undertakings producing public goods and services shall be settled by administrative action.

Peru (ratification: 1960)

With reference to its earlier observations, the Committee takes note with satisfaction of the coming into force on 28 July 1980 of the new Political Constitution, whose provisions on freedom of association are in conformity with those of the Convention.

The Committee also notes that draft trade union legislation is at present being drawn up to expand the provisions of the Constitution and that account will be taken of the comments of the Committee in order to give full effect to the provisions of this Convention.

The Committee points out again that its comments referred to the following points: the right to organise in the public sector; the right to organise of workers in welfare institutions, hospitals and similar establishments; the right of workers to set up more than one union, if they so wish, in the same undertaking; the right of workers to elect as trade union representatives persons who are not employed in the undertaking in question; the amendment of the provisions

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

prohibiting trade unions from engaging, through their institutions, in political activities; the need to bring sections 5 and 9 of Presidential Decree No. 009, under which only works and occupation unions may be established, into conformity with the provisions of Article 2 of the Convention and with the practice reported by the Government, under which industry unions may be established; the rights of trade unions of different occupations to form federations.

The Committee trusts that the new trade union legislation will take its comments into consideration and give full effect to the Convention. It asks the Government to report any development in the matter.

Philippines (ratification: 1953)

The Committee has taken note of the Government's detailed replies to the Committee's observation in reports received in June 1979 and October 1980.

1. It notes with satisfaction the promulgation of Act No. 386, of 1 May 1980, extending the right to organise for purposes of collective bargaining to persons employed in non-profit, religious, charitable, medical, or educational institutions. In addition, the Committee notes with interest that under the same legislation ambulant, intermittent and itinerant workers, self-employed people, rural workers and those without any definite employers may form labour organisations for the purpose of enhancing and defending their interests and for their mutual aid and protection (section 244).

2. In its previous observation, the Committee had expressed the view that the legal provisions in force concerning the right to strike (Presidential Decree No. 823, amended by Letter of Instruction 368, Presidential Decree No. 849, section 264 of the Code, etc.) make it possible to submit any conflict to compulsory arbitration and could be so applied in practice as to result in a general abolition of the right to strike, which would considerably restrict the right of unions to organise their activities (Article 3 of the Convention). The Committee notes the Government's reply according to which a notice of strike or an actual strike is only referred to compulsory arbitration in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights to freedom of others. It further notes from statistics provided by the Government that, in 1979, out of 265 strike notices filed and 39 actual strikes, only 33 and 5 cases, respectively, were certified for compulsory arbitration. The Committee would be grateful if the Government would continue to provide statistics of this kind in its future reports.

3. The Committee had further noted that the industries which are regarded by the Government as vital and in which strikes are therefore prohibited are defined very broadly by the provisions in force given that this definition covers most of the economic activities. The Committee had considered that the prohibition of strikes should be confined to services that are essential in the strict sense of the term.

The Committee recalls in this regard that the Government, in its report for the period ending 30 June 1978, had indicated that the list of vital industries contained in Letter of Instruction No. 368 of 1976 was to be reviewed with a view to limiting the list and that a tripartite conference was to be convened to consider the matter. The Committee notes that the Government's last report contains no

information on this matter. It hopes that the review in question will soon be completed and will result in a revised list restricted to essential services in the strict sense of the term, that is, services whose interruption would endanger the existence or the well-being of the whole or part of the population.

4. In its earlier comments the Committee had considered that section 234(c) of the Labor Code, as amended, under which a union can be registered only if it includes at least 50 per cent of the workers of a bargaining unit, section 237(a) which stipulates that if a federation is to be registered, it must comprise at least ten unions of the same region and the same industry, and section 238 which precludes more than one federation or national union per any one industry in any area or region were incompatible with Articles 2 and 6 of the Convention which provide that workers shall have the right to establish organisations of their own choosing, on the sole condition that they conform to the rules of the organisation concerned, with Article 7 which provides that the acquisition of legal personality by these organisations shall not be made subject to conditions of such a character as to restrict the application of the principles of the Convention, and with Article 5 which provides that workers' and employers' organisations shall have the right to establish and join federations and confederations. Whilst noting from the Government's last report that, since 1975, 627 new unions have been registered and that there is practically no record of any complaint citing these requirements as restrictive, the Committee nevertheless wishes to recall the Government's earlier statement that the above-mentioned requirements only constituted transitory measures. The Committee accordingly hopes that measures will be taken at an early date to revise the provisions in question so as to ensure conformity with the above-mentioned Articles of the Convention.

5. The Committee notes that section 270 of the Labor Code precludes all aliens from engaging directly or indirectly in any form of trade union activity. It hopes that the Government will review the provision in question, in the light of Article 2 of the Convention which provides for the right of workers and employers, without distinction whatsoever, to establish and join organisations of their own choosing.

6. The Committee further notes that, under section 271 of the Labor Code, no foreign organisation or entity may give any donations, grants or other forms of assistance to any labour organisation or group of workers in the country without prior permission by the Secretary of Labor. The Committee considers a provision of this nature to be such as to deprive the workers of an important benefit that may flow from their right to affiliate with international organisations of workers, as laid down in Article 5 of the Convention. It accordingly requests the Government to reconsider the need for a provision of this kind.

7. Further to its previous comments on certain provisions of the Labor Code relating to administrative decisions concerning the registration of a trade union (sections 231, 235, 239 and 240), and the removal from office of a trade union officer (section 242), the Committee has noted from the report of the Government that an appeal lodged with the Supreme Court against an administrative decision refusing or cancelling registration or removing a trade union officer from office has a suspensive effect. Since such a practice is already established, the Committee expresses the hope that the Government will adopt specific provisions regarding the right of appeal of both cancelled trade unions, as well as of dismissed trade union officers. The Committee would also ask the Government to indicate whether, during the reporting period, any such appeals had been resolved through decisions of the Supreme Court.

8. With regard to the powers of inquiry conferred on the Secretary of Labor in respect of the financial management of trade unions (section 275 of the Code), the Committee notes that the policy of the Ministry of Labor was to limit itself to inquiry during the presentation of the complaints. However, the Committee would ask the Government to consider, during a next revision of the legislation, modifying the texts in question so as to limit inquiries of the Secretary of Labor to exceptional cases, for instance to cases of presumed irregularity, or to complaints submitted by members of a trade union.

9. The Committee has noted the Government's reply to its earlier comments concerning the right to organise of managerial staff and the status of security staff.<sup>1</sup>

Poland (ratification: 1957)

The Committee notes the information supplied by the Government in its report. It also notes the conclusions reached by the Committee on Freedom of Association at its November 1980 meeting as regards Case No. 909 referring to Poland (206th Report of the Committee approved by the Governing Body at its November 1980 Session).

The Committee notes with satisfaction that, under the Act of 8 October 1980, amending the Trade Unions Act of 1 July 1949, a trade union or a regional group of trade unions obtain legal personality upon their registration by the Warsaw Voivod Court.

As regards the drawing up of new legislation on trade unions, the Committee notes with interest that, on 23 September 1980, the Council of State established a group to be entrusted with the preparation of a draft Act in which representatives of all trade union groups are participating. It also notes that the work of this group is nearing completion. The Committee hopes that the new legislation will be adopted and come into force in the near future, and that it will give full effect to the Convention. It requests the Government to supply information on the developments which will take place in this connection.

In addition, the Committee notes the decision handed down by the Supreme Court regarding the registration application made by an organisation grouping independent workers in the agricultural sector. The Committee notes that this organisation can enjoy the status of an association, but that it is not a trade union under the law. Given the general character of the provisions of Convention No. 87 which provide, in Article 2, that workers, without distinction whatsoever, shall have the right to establish organisations of their own choosing, and that Convention No. 11 on the Right of Association (Agriculture) covers all persons engaged in agriculture, including independent workers, the Committee requests the Government to supply the legislative texts which govern associations and to indicate what are their rights and duties under the law, and to give any information on the development of the situation as regards trade union rights in this field.<sup>1</sup>

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



Romania (ratification: 1957)

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

The comments of the Committee have related in particular to section 164 of the Labour Code, under which trade unions operate by virtue of the rules of the General Trade Union Confederation. The Committee has considered that this provision is such as to restrict the right of workers to establish organisations of their own choosing.

The Committee has also pointed out in its earlier comments that various provisions seem to establish a very close link between the trade unions and the Romanian Communist Party (Constitution, section 26; Labour Code, section 165). The Committee considers that these provisions appear to make it legally impossible to establish organisations that are independent of the Party.

The Committee notes that the report of the Government, although it is very detailed, does not mention the new trade union Bill that, according to the earlier reports of the Government, was being prepared.

The Committee asks the Government to consider measures to enable workers, should they so wish, to establish legally independent organisations.

The Committee also asks the Government to provide full information on the measures it intends to take to this end.<sup>1</sup>

Sweden (ratification: 1949)

In its previous observation the Committee had stated that a letter dated 27 February 1980 from the Swedish Dockers' Union on the effect given by Sweden to Convention No. 87 would be examined by the Committee at its present session in the light of any observations received from the Government. The Government has transmitted its comments on the above-mentioned letter both in a communication of 3 June 1980 and in its last report. It has further transmitted additional information assembled from the Swedish Employers' Confederation, the Swedish Trade Union Confederation, the Swedish Transport Workers' Union as well as from those public conciliators who in recent years have been called upon to mediate in collective bargaining procedures between, inter alia, the Dockers' Union and the Master Stevedores' Association.

In its letter the Dockers' Union refers to the persistent refusal of the Master Stevedores' Association to enter into a collective agreement with the Union, with the effect of depriving it of several of the basic rights embodied in the Co-determination Act of 1976 and in enactments of 1974 concerning the working environment, educational leave and the protection of employment, such rights being granted only to trade unions which are parties to a collective agreement. The Dockers' Union is therefore, it claims, the subject of treatment incompatible with the principles of freedom of association. The Union appends to its letter statistics which, according to the Union, prove that its membership comprises the majority of dockworkers in Sweden and that it is accordingly the most representative union in this field. Finally, the Union rejects as unfounded declarations made earlier by

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



the Swedish Confederation of Trade Unions and the Transport Workers' Union according to which the Dockers' Union in 1974 and 1978 had been offered, but had rejected, a collective agreement identical to the agreement concluded between the Master Stevedores' Association and the Transport Workers' Union.

In its communication of 3 June 1980, the Government maintains the view that the Swedish legislation is based on the principle that fundamental trade union rights and liberties are to be enjoyed by all trade union associations equally, while the right and responsibility to represent the whole group of employees in the exercise of powers of co-determination, and certain legal rights connected with this right and responsibility, should be reserved for organisations which are representative in the sense of having an established relationship with the employer in the form of a collective agreement. The fundamental and equal rights of trade union organisations include the right to negotiate collectively under section 10 of the Act concerning the Joint Regulation of Working Life. The established legal practice is for collective agreements, once concluded, to be applied equally to all employees within the sphere of activity to which an agreement refers, irrespective of whether or not they are members of the associations of workers which have concluded the agreement with the employer. Given the system of free collective bargaining which applies in the Swedish labour market, it has been considered out of question for legislation to be passed or for any other form of public intervention to be undertaken defining the spheres of activity within which collective agreements are to be concluded or the groups of employers and workers respectively on whose behalf the organisations are to be considered competent to negotiate.

The Committee has examined carefully the arguments presented by the Dockers' Union and by the Government. It has also noted the statistics provided by the Transport Workers' Union which, according to that Union, show that it is the most representative union of dockworkers in Sweden. Finally, it has taken note of the statements submitted by the State Conciliators' Office to the effect that the Swedish Dockers' Union has on at least one occasion declined an offer to sign an accessory agreement, identical to that entered between the Master Stevedores' Association and the Transport Workers' Union, and that the Dockers' Union has on several occasions managed to obtain collective agreements with employers not affiliated to the Master Stevedores' Association.

In the light of the contradictory figures provided by the Dockers' Union and the Transport Workers' Union, the Committee does not find itself in a position to express an opinion as to which of the two unions should be considered most representative of dockworkers in Sweden. In the Committee's view, however, that particular issue is not of paramount importance to the Committee's consideration of the case.

It appears to the Committee, from all the information available, that the Swedish Dockers' Union enjoys and effectively exercises the right of collective bargaining with the employers, including the Swedish Master Stevedores' Association, but that, in point of fact, the Union and the Association have never entered into a collective agreement, the Association preferring to enter into such agreements with the Swedish Transport Workers' Union, affiliated to the Swedish Confederation of Trade Unions. Where the Dockers' Union has failed to obtain a collective agreement with the Stevedores' Association, it has always been open to the Dockers' Union to seek to enforce its demands by calling a strike, a right which the Union has likewise effectively exercised in recent years. As indicated in an earlier observation, the Committee holds the view that the situation described above cannot be considered incompatible with the principles laid down in the Convention.

The Committee, however, wishes to restate the opinion it expressed in its 1979 observation, namely that the tendency noted in several recent Swedish laws to grant increasingly numerous advantages only to unions which have signed collective agreements, for instance by imposing on an employer the obligation to negotiate with the workers' organisation in relation to which he is bound by a collective agreement before deciding on any important change in his activity may lead to a growing sense of injustice among other union organisations which may not be favourable to a harmonious climate of industrial relations.

Switzerland (ratification: 1975)

With reference to the request made in its last observation following upon comments made by the Swiss Trade Union Federation, for information relating to the practical application of the Convention, the Committee takes note of the reply by the Government in its last report, which shows that since the Convention came into force the Government has been unaware of any legal decision taken in relation to it.

Syrian Arab Republic (ratification: 1960)

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

The Committee observes that the Bill mentioned in its previous observation has not yet been adopted.

1. The Committee recalls that its comments on Legislative Decree No. 84 of 1968 (respecting trade union organisation) dealt with the following points: system of unified structure imposed by law (sections 2 and 7); various provisions (sections 25, 32, 35 and 44) limiting the trade union rights of foreigners and restricting the free administration and management of unions; sections 2 and 8, requiring a minimum of 50 workers for the establishment of a trade union organisation; sections 32 and 36, concerning the deposit and compulsory allotment of trade union funds; section 49(c), under which the General Federation may dissolve the executive council of any union on various grounds.

The Committee hopes that the Bill mentioned by the Government will be adopted in the very near future and that the new provisions will be in conformity with the Convention. It requests the Government to supply information on any developments in this connection.

2. Some of the points raised above have also been raised by the Committee in connection with Legislative Decree No. 250 respecting craftsmen and small employers. They include section 2 (only one system for setting up associations); section 6(a)(4), (b) and (c), which governs the income of associations; section 12, which lays down the manner of financing federations.

The Committee requests the Government to indicate what measures it intends to take to bring these various provisions into conformity with the Convention.

3. The Committee has also referred to the prohibition of strikes laid down by section 160 of the Agricultural Labour Code and arising from section 19 of the Economic Criminal Code. The Committee observes from the report of the Government that a new draft has been prepared on this point under which both the interests of the workers and national production can be guaranteed. The Committee hopes that the draft in question will

be adopted very shortly and requests the Government to provide information on any development in this connection.

4. The Committee takes note with interest of the statement by the Government that agricultural workers have the right to join trade unions, whether they are members of a co-operative or not, by virtue of Act No. 21 on peasant organisations. It asks the Government to supply information on the nature and role of the peasant co-operative associations which can be set up by agricultural workers, by peasants working the land only with the help of members of their family and by land owners whose holdings do not exceed a prescribed area.<sup>1</sup>

#### Ukrainian SSR (ratification: 1956)

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

#### USSR (ratification: 1956)

With reference to its previous observation, the Committee notes the statements made by a Government representative to the Conference Committee in 1979 and the information provided by the Government in its last report. The Committee has also taken note of the conclusions reached at its February 1981 session by the Committee on Freedom of Association and approved by the Governing Body in respect of Case No. 905 relating to the USSR (207th Report of the Committee, paragraphs 100-130).

#### Right to organise of members of collective farms

In its previous observation, the Committee requested the Government to provide information on the activities that can be carried on within collective farms by the unions representing the members of these farms, who are excluded from the Labour Code, as well as on the legislative provisions governing these activities and the situation in practice in this field. It had also requested the Government to provide information on any provision it may adopt on the functioning of trade unions that members of collective farms might wish to set up independently of the organisations existing already.

The Government indicates in its report that the activities of the trade union organisations of members of collective farms have continued, and that at present 97.2 per cent of the members of these farms are affiliated to a trade union. In addition, the Government refers to a decision taken in August 1977 by the Presidium of the Central Council of Trade Unions concerning the methods of application of the Regulations on the Rights of Factory, Works or Local Trade Union Committees to trade union committees of kolkhozes and of fishermen's kolkhozes. These methods of application have been the subject of an agreement between the Union Council of Kolkhoz Members, the Ministry of Agriculture and other ministries concerned. In accordance with this decision, the kolkhoz trade union committee represents the interests of the kolkhoz members as well as those of the workers and employees working on the kolkhoz. This trade union committee has legal personality.

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

The Committee takes note with interest of the information thus communicated by the Government.

The right of workers to establish organisations of their own choosing

The Committee had noted that provisions of the Labour Code of the PSFSR, such as section 7 concerning collective bargaining and section 230 concerning the rights of trade union committees, and also the 1971 Regulations on the Rights of Factory Works and Local Trade Union Committees, do not contemplate the possible existence of another trade union organisation established by workers of the category represented by the trade union committee referred to in the legislation. By bestowing trade union functions solely on the trade union committee concerned, these provisions seem to preclude the possibility of setting up another organisation representing workers of the same category.

At the Conference Committee in 1979 the Government representative, while indicating that the Labour Code did not provide for a single exclusive trade union committee, referred to statements made at earlier sessions of the Conference Committee to the effect that the legislation merely confirmed the unity of the trade movement in the USSR. He also again stated that there was no reason why the law should not be amended if practice changed, that is if the workers themselves wished to set up other unions beside those already existing.

The Committee notes this information, which seems to confirm the necessity of an amendment of the legislation in order to allow organisations independent of the existing trade union structure to be formed and legally represent the interests of their members. The Committee considers therefore that the provisions at present in force are liable to impair the free establishment of workers' organisations, and this appears from the complaints examined by the Committee on Freedom of Association. Consequently, the Committee requests the Government to provide information on any measure which may be taken with a view to recognising clearly the right of workers to establish the organisations of their choice.

Role of the Communist Party in trade unions

The Committee had noted that, under the terms of article 6 of the Constitution, the Communist Party is the leading and guiding force of Soviet society and the nucleus of all public organisations. The Committee had expressed the view that, if the term "public organisations" covered workers' organisations, the law would establish a link between the Communist Party and these organisations, in which the leading role would be assigned in law and permanently to the Party.

The Government representative confirmed that workers' organisations were covered by this provision. He stated in this regard that in practice there was no external interference in trade union affairs but that party members exercised their influence in their capacity as members of the trade unions. He added that party members were in the minority in the trade unions, and that if the majority who were not party members agreed, their opinion prevailed.

While noting these explanations, the Committee remains of the opinion that the Constitution imposes a link between the Communist Party and the workers' organisations in their entirety, and thus restricts the right of the trade unions to organise their activities and to formulate their programmes, as provided for in Article 3 of the Convention.

Other questions

As regards the other questions on which the Committee had made comments on previous occasions (in particular the right to hold meetings without previous authorisation), the Committee notes the statement of the Government representative that the Committee will be informed of any new developments which take place in these fields.

Uruguay (ratification: 1954)

The Committee notes that direct contacts took place between the government authorities and a representative of the Director-General in January 1981. The Committee notes with interest that on this occasion the authorities indicated that the Occupational Associations Bill which is before the Council of State should probably be adopted during the first half of 1981. They also gave an assurance that the final text of the Act would to a maximum extent be adjusted to the provisions of the Convention.

The Committee recalls that, in spite of certain improvements as compared with the preliminary draft which it examined in 1979, the Occupational Associations Bill still contained certain provisions which were not in conformity with the Convention. These provisions concerned in particular the obligation placed on trade union leaders to make a declaration of democratic faith or to have worked for at least two years in the branch of activity represented by the union; the prohibition of acts of a preponderantly political character; the obligation placed on first-level unions to organise themselves at the level of the undertaking; the detailed regulation of several questions which should be regulated normally by the internal administration of trade unions (compulsory voting at elections and referendums; submission of reports whenever required by the authorities; maximum duration of trade union assemblies; liability, with some exceptions laid down in the Bill, of lower-level trade unions for decisions of the higher-level organisations to which they are affiliated; formalities to be complied with before the Minister of Labour in connection with elections and referendums).

The Committee had also noted that the Ministry of Labour and Social Security was examining a draft Bill on the exercise of the right to strike.

The Committee again expresses the firm hope that the final version of the Occupational Associations Act will be in conformity with the rights laid down in the Convention, and that measures will be taken to remove the other restrictions on trade union activities which are still in force, in particular as regards strikes.

The Committee requests the Government to provide information on developments in the situation.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Australia, Bangladesh, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Egypt,  
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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.



Gabon, German Democratic Republic, Greece, Lesotho, Madagascar, Mali, Malta, Mexico, Nigeria, Pakistan, Panama, Portugal, Romania, Senegal, Seychelles, Spain, Swaziland, Tunisia, USSR, Yemen.

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

### Convention No. 88: Employment Service, 1948

#### Argentina (ratification: 1952)

In previous observations, the Committee noted that no advisory committees had been established to ensure the co-operation of representatives of employers and workers in the organisation and operation of the employment service and the development of its policy. The Committee notes that on the occasion of the direct contacts which took place between the Government and a representative of the Director-General in December 1980 the Government indicated that an Employment Service Bill, which was awaiting presidential approval, made provision for employment service advisory committees. The Committee hopes that this Bill will be enacted shortly and will lead to the creation of one or more advisory committees in accordance with Articles 4 and 5 of the Convention.

The Committee notes further the information provided in the course of the direct contacts on the application of Articles 6(d) and 9, paragraph 1, of the Convention, which had been the subject of a request by the Committee.

#### Costa Rica (ratification: 1967)

Article 3 of the Convention. The Committee notes from the information provided by the Government that no new regional employment offices have been set up, owing to lack of the necessary financial resources. It hopes that the Government will be able gradually to establish a network of regional employment offices (at present there are only two) so as to reach every region of the country.

Articles 4 and 5. The Committee notes that the Government has considered setting up an advisory committee with employers' and workers' representatives to advise on the operation of the employment service and that consultations are at present going on to decide how it will function. The Committee trusts that the next report of the Government will contain full information on the way in which effect is given to the provisions of these Articles.

The Committee asks the Government to supply detailed information in its next report on the activities of the existing employment offices during the period covered by the report, containing, in particular, statistics on the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment.

#### Egypt (ratification: 1954)

Articles 4 and 5 of the Convention. The Committee notes that the new draft labour law provides for the establishment of manpower advisory committees and a Higher Manpower Council. The Committee

recalls that the existing advisory bodies in the manpower and employment fields have not hitherto exercised any function in relation to the employment service, and once again expresses the hope that measures will be taken to establish a national committee, and where necessary regional and local committees, constituted in accordance with Article 4, paragraph 3, of the Convention to advise on the organisation and operation of the employment service.

Malta (ratification: 1965)

The Committee notes with satisfaction that, following its previous observation, the policy regarding registration for employment of returned migrants has been revised and they are now able to register with the National Employment Service, as required by Article 6 of the Convention.

Spain (ratification: 1960)

The Committee notes with interest the establishment and operation of the National Employment Institute (INEM), which will guarantee the more effective application of the provisions of the Convention. The Committee notes with satisfaction that the General Council and the Central Executive Committee of the INEM have already been set up and that the provincial executive committees are being set up at present in conformity with Articles 4 and 5 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Central African Republic, Mozambique, Peru, Zaire.

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

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

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

Guinea (ratification: 1966)

The Committee refers to its general observation. It notes Order No. 221/OIT of 15 June 1980, which does not yet give full effect to Article 2, paragraph 1, of the Convention, the subject of its earlier comments. The Committee hopes that the direct contacts asked for by the Government will make it possible to settle all the problems connected with the application of the Convention.

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

**Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949**Belgium (ratification: 1962)

Article 3, paragraph 5(b), of the Convention. Referring to its previous comments, the Committee notes with satisfaction the coming into force of the Royal Decree of 9 January 1980 (which amends the Royal Decree of 24 October 1936 respecting the rules of the Assistance and Welfare Fund for Sailors under the Belgian Flag) gives seamen the right to postpone days of holiday coinciding with a period of incapacity for work.

Brazil (ratification: 1965)

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

Article 3, paragraphs 2 and 3, and Article 7, of the Convention. Referring to its earlier comments, the Committee recalls that under these provisions of the Convention, a seaman having at least six months of continuous service shall on leaving such service be entitled to corresponding leave in respect of each complete month of service (Article 3, paragraph 2) and shall receive the usual remuneration for each day of vacation holiday due to him and not taken (Article 7); the same rights have to be granted to a seaman discharged through no fault of his own before he has completed six months of continuous service (Article 3, paragraph 3).

The Committee notes in this connection that section 147 of the Consolidated Labour Laws, as modified by Decree No. 1535/77, grants to a worker discharged without due cause, or whose contract terminates on the date foreseen, before having completed 12 months of service, is entitled to compensation for a proportionate fraction of annual holiday. This provision thus gives effect to Article 3, paragraph 3 of the Convention and also to Article 3, paragraph 2, to the extent that it is a question of termination of service at the end of a contract, on a specified date. However, the provision mentioned is not in conformity with Article 3, paragraph 2 and Article 7 of the Convention, in the case of seamen who have completed between 6 months' and 12 months' continuous service and who cancelled their contract on their own initiative or are discharged for due cause. Under the terms of the Convention, the seamen shall be entitled, in these cases also, to a proportionate holiday and to the related compensation.

The Committee also notes that the sole subsection of section 146 of the Consolidated Labour Laws, as amended, provides that in the event of a contract ending after 12 months of service, the worker discharged without due cause shall be entitled to compensation for that fraction of the leave corresponding to any period of service of less than 12 full months. This provision also is not in conformity with Article 3, paragraph 2, and Article 7 of the Convention under which a seaman who has completed not less than six months of continuous service and who leaves the service for any reason whatsoever shall be entitled to a proportionate holiday and to the related remuneration.

The Committee therefore hopes that the national legislation will be brought into full conformity with the aforementioned Articles of the Convention.



Article 4. The Committee notes that section 136 of the Consolidated Labour Laws, as amended, uses the same wording as the former section 139, to the effect that annual holidays shall be granted at the period most suitable to the employer whereas, under the Convention, holidays shall be given by mutual agreement as the requirements of the service allow. It notes in this connection the observations of the National Confederation of Workers in Maritime, Fluvial and Air Transport in which it expresses the hope that the new version of the Consolidated Labour Laws will soon remove this divergency. The Committee hopes that the national legislation will be brought into conformity with this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Cuba, Israel, Norway, Poland, Tunisia.

### Convention No. 92: Accommodation of Crews (Revised), 1949

#### Costa Rica (ratification: 1960)

Referring to its previous comments, the Committee notes with satisfaction the adoption of Decree No. 11326-TSS of 20 March 1980, which was drawn up during direct contacts held in 1977 and which gives effect to the various provisions of the Convention.

#### Panama (ratification: 1970)

Referring to its previous comments, the Committee notes with interest the decision by the Government to call on the technical co-operation of the ILO in 1981 to settle questions concerning seafarers, including the questions that come under the Convention. It hopes that the measures adopted will give effect to all the provisions of the Convention. The Committee asks the Government to provide information on any progress made.

#### Yugoslavia (ratification: 1966)

Referring to its previous comments, the Committee notes with satisfaction the adoption of the Rules for the Construction of Seagoing Ships - Part XXII - Protection at Work - which give effect, on the whole, to the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Liberia, Poland, Portugal, Spain.

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Convention No. 94: Labour Clauses (Public Contracts), 1949Burundi (ratification: 1963)

The Committee notes from the Government's report that the draft decree intended to apply the Convention has now been prepared, but not yet promulgated. The Committee hopes that the Government will be able to indicate in its next report that all measures necessary to apply the Convention have been taken, and will communicate all the relevant texts.<sup>1</sup>

Costa Rica (ratification: 1960)

The Committee notes with satisfaction the adoption of Decree No. 11430-TSS of 30 April 1980, which had been prepared following direct contacts with a representative of the Director-General of the ILO which took place in 1977, and which provides the legislative basis for the application of the Convention. Certain questions concerning the measures taken for the practical application of this Decree are being raised in a request which the Committee is addressing directly to the Government.

Ghana (ratification: 1961)

The Committee notes from the Government's report that the Committee's previous comments will be brought to the attention of the authorities for appropriate action. However, it recalls that measures to apply the Convention have been requested since the Convention's ratification, and that the Government has previously indicated that action would be taken. It therefore hopes that measures will be taken in the near future with regard to the following points:

Article 2 of the Convention. The basic requirement of the Convention is that labour clauses be included in public contracts ensuring to the workers concerned wages and other conditions of labour which are not less favourable than those established for similar work in the area concerned. In earlier reports, the Government has referred to labour clauses in the Standard Control Agreement Form for Non-Technical Departments and the Articles of Agreement and Conditions of Contract for Building Workers; but the Committee has pointed out that these clauses only require the contractor to observe standard or minimum wage requirements and to comply with government regulations. This is not sufficient to comply with the Convention, and the Committee hopes that new clauses will be drafted after consultations with the organisations of employers and workers in the country.

Article 5. The Committee recalls that no measures exist to ensure the application of this Article (application of adequate sanctions, and measures to enable the workers concerned to obtain the wages to which they are entitled).

Guatemala (ratification: 1952)

The Committee notes the statement in the Government's report that ratified Conventions are incorporated directly into national law, and that it has therefore not been considered necessary to adopt further legislation to apply this Convention. However, this Convention is not self-executing, so that additional measures are necessary to implement it in practice.

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

The Government has also again referred to the Governmental Resolution of 5 October 1962, although the Committee has been pointing to the need to amend this text since 1966 and the Government had indicated in its previous report that it would take the necessary measures to this end. The Committee has pointed out a number of times that this legislation does not fulfil the Convention's requirement of including labour clauses in public contracts to ensure that wages, hours of work and other conditions of labour are not less favourable than those established for the trade, industry and district concerned.

The Committee has asked the Office to communicate to the Government a detailed explanatory note on the Convention, and once again expresses the hope that the necessary measures will be taken in the very near future to bring national legislation into conformity with the Convention.<sup>1</sup>

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the adoption of measures to apply the Convention, as the Committee has requested in its previous comments.

Mauritius (ratification: 1969)

The Committee notes that the Government proposes to take action to amend the Labour Act, 1975, with a view to covering subcontractors and assignees and providing for the posting of notices. It recalls that when the Labour Act was adopted it repealed the Labour Clauses in Public Contracts Ordinance, 1964, by which the Convention had previously been applied. It also notes that comments were received in 1979 from the Mauritius Labour Congress expressing concern over the lack of measures to apply the Convention.

The Government also indicates in its report that public contracts are covered equally by generally-applicable labour legislation, as well as by remuneration orders, arbitration awards and collective agreements. However, such methods are not normally sufficient to ensure the application of the Convention in all cases, as its basic requirement (Article 2) is that clauses be inserted in public contracts ensuring to the workers concerned conditions of labour not less favourable than those established for work of the same character. Once these clauses have been inserted, the wages and other conditions applicable to the workers may be determined by reference to collective agreements, arbitration awards or national legislation and regulations.

The Committee has asked the Office to communicate to the Government a detailed explanatory note on the requirements of the Convention and the methods by which it may be applied. It hopes that, following these explanations, the Government will take the necessary measures (for instance, by the re-enactment of the 1964 Ordinance) to apply the Convention once again.

Philippines (ratification: 1953)

The Committee notes that the Government refers to an earlier report in reply to the question raised in the previous observation.

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

However, that earlier report contained no reply on the points raised by the Committee. It recalls that labour clauses meeting most of the requirements of the Convention are inserted into public contracts for public works (Memorandum Circular of the Bureau of Public Works dated 7 May 1975); however, no provision is made for similar measures in respect of the other types of public contracts covered by Article 1 (1)(c)(ii) and (iii) of the Convention (public contracts for the supply of materials and services). The Committee therefore hopes that the Government will take early measures to ensure that the Convention is applied to these contracts as well.

#### Turkey (ratification: 1961)

For many years, the Committee has been drawing attention to the fact that no measures have been taken to ensure compliance with the Convention. With its report for 1977-78, the Government communicated the text of a draft decree intended to give effect to the Convention, and the Committee drew attention in a direct request in 1979 to the need for certain additional measures to ensure the full application of Articles 1, paragraph 1, 2, paragraphs 1, 2 and 3, and 5, paragraph 2, of the Convention on the basis of this draft. In a statement to the Conference Committee in 1980, the Government stated that a decree of 5 September 1979 issued by the Ministry of Public Works contained a standard form of contract, regulations, and penalties for violations which included revocation or non-renewal of the contractors' licence.

The Committee notes, however, that the Government's report has not been received and that the text of this decree has not been communicated.

The Committee trusts that the Government will supply a copy of the decree referred to and of any other measures that may have been adopted, and that they will ensure the full application of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Costa Rica, Morocco, Philippines.

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

#### Afghanistan (ratification: 1957)

The Committee notes the Government's statement in its report that, following the changes of government which have taken place, a proposal for the promulgation of a decree based on the text prepared during direct contacts in 1974 has again been sent to the Ministry of Justice for submission to the Council of Ministers. The Committee hopes that the necessary measures will soon be taken to ensure the observance of the Convention.

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

Costa Rica (ratification: 1960)

With reference to its earlier observations, the Committee notes with satisfaction that the Government has adopted Decree No. 11324-TSS of 20 March 1980, which was drafted during the direct contacts that took place in 1977 and which gives fuller effect to the provisions of Article 4, paragraphs 1 and 2, of the Convention.

Article 3, paragraph 1, of the Convention. In its earlier comments, the Committee has asked the Government to adopt measures to revise section 165 of the Labour Code, which provides that harvest workers on coffee plantations may receive substitutes for cash instead of legal tender. The Committee notes with interest that, although the Government still maintains that these substitutes, which are always convertible into legal tender, are not means of payment but of control of production, it would be agreeable to a wording stating clearly and specifically that the handing over of substitutes in exchange for the harvest of an individual worker is a means of control of production, adapted to the nature of the activities on coffee plantations and not a form of payment conflicting with international labour standards. The Committee also notes that the agreement of the Government will be officially forwarded to the representatives of the Executive on the committee which is considering the preliminary draft to reform the Labour Code. It hopes that the above-mentioned section 165 will be revised so as to guarantee the application of this provision of the Convention.

Dominican Republic (ratification: 1972)

Further to its previous comments, the Committee notes with interest that draft Bills have been drawn up with a view (i) to extending wage protection to agricultural workers in general (Article 2, paragraph 1, of the Convention), and (ii) to prohibiting the payment of wages in the form of vouchers or coupons (Article 3, paragraph 1). It further notes with interest that draft regulations under the relevant provisions of the Labour Code have also been drawn up, with a view to giving effect to the provisions of Articles 5, 6, 7, 8, 10 13(2), 14 and 15(b) of the Convention. The Committee hopes that the proposed texts will be adopted soon and will ensure the full application of the above-mentioned Articles.

With regard to the reference made in its previous direct request to allegations of abuses in the payment of remuneration to migrant workers in the sugar cane industry (report submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group on Slavery - Report of the Working Group, Fifth Session, 1979, document E/CN.4/Sub.2/434), the Committee notes with interest the Government's statement that while it is not aware of any such abuses it is ready to co-operate with the ILO in implementing machinery that will enable it to convince the Organisation that equal treatment and equal protection under the law have always been granted to the Dominican and Haitian cane-cutters. The Committee would welcome such a step and would suggest that the co-operation envisaged might take the form of direct contacts or of other appropriate assistance made available by the Office.

The Committee further notes that the Government has taken appropriate steps to obtain, as far as is possible, the information requested by the Committee on the measures taken or contemplated to ensure the observance of the Convention, and particulars on the practical application thereof (inspections, contraventions reported). It hopes that the Government will supply this information in its next report.

In connection with the above, the Committee notes that the relevant draft Bill, while prohibiting the advances on wages made to agricultural workers in the form of vouchers or in any other form alleged to represent legal tender, provides for the possibility of making such advances by bank cheque or postal order. In view of possible difficulties for the agricultural workers concerned to have ready access to a bank or post office in the areas where their work is carried out, the Committee would be glad if the Government would provide detailed information on cases where the competent authority may have permitted or prescribed such payments of advances on wages under the relevant draft Bill, when adopted.<sup>1</sup>

Guatemala (ratification: 1952)

With reference to its earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, Government Decision No. 7.80 of 9 May 1980 has been adopted and that it governs the conditions under which and the extent to which deductions may be made from wages, in accordance with Articles 8 and 9 of the Convention.

In its earlier comments, the Committee has referred to the allegations submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group on Slavery at its Fourth Session in 1978 (report of the Working Group, document ECN.4/Sub.2/410). These allegations concern abuses in the recruiting of workers, and especially the terms of repayment of advances on wages and other debts incurred by the workers, and the absence of an effective inspection service in rural areas. The Committee takes due note of the Government's reply to the effect that the competent authorities, including the inspection service in its regular inspection activities, have received no denunciation or complaint concerning abuses in the recruitment of workers, that the systems permitting deductions from wages have been superseded by the new legislation and that the policy of the Government is for workers to receive their wages regularly.

The Committee regrets that the report does not contain the information requested in its previous observation on the measures taken to ensure compliance in practice with the legislation giving effect to the Convention (such as extracts from labour inspection reports and the number and nature of contraventions reported), as called for in point V of the report form. It again expresses the hope that the Government will provide this information in future reports.

Libyan Arab Jamahiriya (ratification: 1962)

Articles 2, 4, 7 and 8, paragraph 1, of the Convention. In its earlier comments, the Committee has noted that the legislation concerning the protection of wages does not apply to agricultural workers and that it contains no provision restricting the payment of wages in kind or governing the nature of payments in kind and the value attributed to them. The Committee has also asked the Government to provide copies of all texts adopted to determine the share of expenses to be borne by the workers for housing and meals provided by employers in remote areas and to limit deductions from wages made by the employer otherwise than by virtue of an attachment or assignment of wages.

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

The Committee takes note with interest of the statement made by the Government to the Conference in 1980 to the effect that agricultural workers employed on state undertakings receive the same treatment as workers in other sectors, and that self-employed agricultural workers do not have the right to employ other workers.

The Committee has also taken due note of the statement by the Government in its last report to the effect that the observations of the Committee concerning the application of the Convention will be taken into account in the new legislation. Since these questions have been under consideration for many years, the Committee trusts that steps will be taken rapidly to bring the legislation into full conformity with the Convention and that the Government will provide detailed information on any measures taken to give effect to the Convention.<sup>1</sup>

Turkey (ratification: 1961)

Articles 2 and 13 of the Convention. Further to its previous comments and the discussions that took place in the Conference Committee in 1980, the Committee notes that the Agricultural Labour Bill, which was to extend to agricultural workers the protection laid down in the Convention, has not yet been adopted. The Government states in this respect that the enactment of special legislation for agriculture takes considerable time and is determined by the general pattern of development of the country. The Committee recalls that the Government has reiterated on numerous occasions its intention to adopt legislation to apply the Convention to agricultural workers, and also to amend Labour Act No. 1475 in order to extend wage protection to workers in small commercial and handicraft undertakings, and to regulate the time and place of payment of wages. The Committee once more expresses the hope that appropriate measures will be taken in the very near future to give full effect to the Convention on these points.<sup>2</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Costa Rica, Gabon, Iran, Nicaragua.

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

Guatemala (ratification: 1953)

With reference to its previous observations the Committee notes with satisfaction the adoption of Government Decision No. 8-80 of 9 May 1980 which limits the extent to which recruiting agents may be authorised to operate in agriculture and regulates their activities in accordance with Article 5, paragraphs 1 and 2(a) and (b) and Article 8 of the Convention.

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

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

Syrian Arab Republic (ratification: 1957)

The Committee notes with regret from the report of the Government that the situation has not changed and that the Bill to bring the national legislation into conformity with the Convention, to which the Government has been referring since 1970, has still not been enacted. The Committee hopes that the new legislation will be enacted in the near future and that: (a) it will repeal sections 18 and 22 of the Labour Code (Act No. 91 of 1959), which authorise the setting up of private employment agencies and the use of manpower recruiting agents, or it will regulate these activities in accordance with Articles 5 or 6 and 8 of the Convention; (b) it will contain provisions regulating the placement of domestic staff in accordance with the Convention, either by extending the scope of Chapter III of the Labour Code to this class of workers or by making the fee-charging employment agencies for these workers subject to regulations in accordance with Articles 5 or 6 and 8 of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Djibouti, Guatemala, Luxembourg, Norway.

**Convention No. 97: Migration for Employment (Revised), 1949**Belgium (ratification: 1953)

1. Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Special Act on Institutional Reforms of 8 August 1980, section 122 of which amends the Act of 1 April 1969 to establish a guaranteed income for old persons, in conformity with Article 6, paragraph 1(b) of the Convention.

2. The Committee thanks the Government for the text supplied in reply to its previous direct request.

Guatemala (ratification: 1952)

Article 8 of the Convention. In its earlier comments, the Committee has asked the Government to take practical measures, in the absence of express legal provisions, to call the attention of all concerned to the provisions of Article 8 of the Convention, under which a foreign worker who has been admitted on a permanent basis and members of his family cannot be returned to their country of origin or to the country from which they have emigrated because the worker is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry. The Government states in its report that information activities has been launched. The Committee would be grateful if the Government would give particulars of the measures adopted for the purpose. Please specify, in particular, the classes of persons to which and the means by which the information has been disseminated. Furthermore, in view of the statement by the Government that the question will be taken into consideration during the next

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



revision of the Labour Code, the Committee trusts that the occasion will be taken to adopt an explicit provision prohibiting the expulsion of a foreign worker admitted on a permanent basis and the members of his family in the event of unfitness for work occurring after his arrival.

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In addition, requests regarding certain points are being addressed directly to the following States: Italy, New Zealand, Nigeria, Spain, Upper Volta, Uruguay, Zambia.

Information supplied by the United Republic of Cameroon and Yugoslavia in answer to a direct request has been noted by the Committee.

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

In various comments formulated by the Committee, as regards the application of this Convention, it has recalled that the requirement of previous approval before a collective agreement can come into effect, is not in conformity with Article 4 of the Convention, nor is it in conformity to declare an agreement invalid because it runs counter to the economic policy of the Government.

Nevertheless, the Committee has considered that, given that a country may find itself in a difficult economic situation, it would be difficult to lay down strict rules concerning voluntary collective bargaining, and the governments could consider, in certain cases, that the situation calls at times for stabilisation measures during the application of which it would not be possible for wage rates to be fixed freely by means of collective negotiations. Such restrictions however should only be imposed as an exceptional measure and only to the extent necessary without exceeding a reasonable period and they should be accompanied by adequate safeguards to protect workers' living standards.

The Committee would be grateful if the governments would supply information on the legal provisions and regulations relating to this matter, in particular on any existing restrictions regarding free fixing of salaries by means of collective bargaining, on the expected duration of these limitations and on the compensatory guarantees to be granted in order to protect workers' living standards.

Furthermore, the Committee has noted that the governments in many cases only supply limited information concerning protection against acts of anti-union discrimination, and acts of interference provided for in Articles 1 and 2 of the Convention. Consequently, the Committee asks the Government to supply more detailed information on these points and in particular on the measures which give effect to these Articles of the Convention (the role of labour inspection, or of the supervisory bodies, possible administrative or judicial appeals, and on possible sanctions against such acts).

#### Argentina (ratification: 1956)

The Committee notes that direct contacts have taken place between the government authorities and a representative of the Director-

General. The Committee also notes the information communicated by the Government in its last report.

The Committee notes further that at its May 1981 session the Committee on Freedom of Association will examine, in the context of Case No. 842 relating to Argentina, the questions which were the subject of comments in previous observations, including in particular the suspension of collective bargaining.

The Committee requests the Government to supply information on the evolution of the situation in this field and in particular on any measures which may be taken to promote the development of the voluntary negotiation of collective agreements, in accordance with Article 4 of the Convention.

Brazil (ratification: 1952)

The Committee notes the information supplied by the Government to the Conference Committee in 1979 and that contained in its reports. The Committee has also examined the text of the draft Bill to codify the labour laws.

1. In its previous observations, the Committee has commented on the application of the Convention to workers in public undertakings.

The Committee notes the explanations of the Government and also the text of the draft Bill (in particular, section 529). It observes that the situation is not fundamentally changed and that, in the draft Bill, workers in public undertakings remain excluded from the right to form trade unions and that they are therefore unable to enjoy the guarantees provided for by Convention No. 98.

The Committee can therefore only point out again that the exception provided for by Article 6 of the Convention applies only to public servants engaged in the administration of the State.

The Committee hopes that the Government will amend the text of the draft Bill so as to allow workers in public undertakings explicitly to enjoy the guarantees provided for by the Convention, that is to say, the right to organise and to bargain collectively.

2. The Committee has commented on section 623 of the Consolidated Labour Laws and section 8 of Act No. 5584, under which, read together, any clause in an agreement or any legal decision that does not respect the principles of government wage policy is null and void or can be set aside.

The Committee notes that section 623 has hardly been applied and that the draft Bill deletes it.

The Committee has studied the wage policy of the Government in connection with anti-inflationist policy. It notes that certain provisions of the draft Bill concern the negotiation of wage adjustments based on official rates related to inflation and that, under other provisions, increases in real wages are possible, provided that they are not reflected in prices.

The Committee has pointed out on many occasions that the placing of restrictions on collective bargaining because of a policy of stabilisation should be exceptional. It observes that the measures taken by the Government, which narrowly restrict collective bargaining on wages, have now been in force for many years, and thus compromise the application of the principles of Article 4 of the Convention.

The Committee therefore invites the Government to indicate what amendments it intends to introduce so that law and practice shall give full effect to the guarantees of the Convention.

Chad (ratification: 1960)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee regrets to note that once again the Government has supplied no report on the application of this Convention. It is thus bound to repeat its previous observation, which was worded as follows:

The Committee noted that sections 121 and 122 of the Labour Code require prior approval for the entry into force of collective agreements. The Committee pointed out that such provisions may constitute obstacles to the development and promotion of free collective bargaining.

The Committee trusts that a report will be supplied for examination at its next session and that it will contain information concerning any refusals to approve collective agreements and the reasons for and the frequency of these refusals.

Costa Rica (ratification: 1960)

The Committee has examined the Government's report, in which it states that it maintains a policy vigorously opposed to anti-union discrimination.

The Committee takes note of this statement, but must point out in this connection that for several years it has been commenting on questions connected with anti-union discrimination and on protection against acts of interference by employers in workers' organisations. It once more earnestly asks the Government to adopt measures guaranteeing this protection. In this connection, the Committee wishes to refer, as the Committee on Freedom of Association has done (see paragraphs 164 to 183 of the 197th Report of the Committee on Freedom of Association concerning the cases respecting Costa Rica, Nos. 821, 859 and 875), to the need to lay down explicitly in the legislation remedies and penalties to ensure the effective application of Articles 1 and 2 of the Convention.

Finland (ratification: 1951)

With reference to its earlier comments, the Committee notes the information supplied by the Government to the Conference Committee and in its reports. It notes in particular that the committee set up in October 1978 to carry out a complete revision of the legislation on associations has so far investigated questions of substance and that no time limit has been imposed on it.

The Committee recalls that it has asked the Government to give special consideration to the effectiveness of the provisions regarding protection against anti-union discrimination and to take the necessary action as part of the revision of the legislation.

The Committee hopes that these measures will be taken in the near future and it again asks the Government to continue to provide information on developments in the situation.

Greece (ratification: 1962)

At its previous session, the Committee referred to observations submitted by the World Federation of Trade Unions on the application by Greece of Conventions Nos. 87 and 98. These observations, which were transmitted to the Government, dealt with the application of Act No. 330 and anti-union discrimination, among other things.

With reference to its earlier comments on the matter, the Committee notes the statement by the Government that protection against acts of anti-union discrimination is ensured by Act No. 330, as amended by Act No. 549 of 1977. The Government observes that workers and trade union leaders are protected against acts of anti-union discrimination by sections 3 (freedom of association), 5 (prohibition of interference), and 27 and 28 (special protection for trade union leaders). The Committee notes that the Government refers in this connection to a series of court decisions relating to the application of these provisions.

The Committee notes that Act No. 330 of 1976 has been examined in detail by the Committee on Freedom of Association (in particular Cases Nos. 834 and 851, 160th Report, and Case No. 976, 204th Report). Although the Committee takes account of the explanations provided by the Government, it considers it advisable to point out that the Committee on Freedom of Association, in certain cases concerning dismissals in Greece, has pointed out that fuller measures should be considered for guaranteeing better protection to trade unionists (members and officers) (Case No. 976, 204th Report, Conclusions).

The Committee therefore asks the Government to adopt measures to improve the protective provisions, in accordance with Article 1 of the Convention, and to continue to provide information on any development in the matter.

The Committee deals with a question concerning compulsory arbitration where collective bargaining fails under Convention No. 87.

Japan (ratification: 1953)

The Committee notes the information supplied by the Government in its reports, the comments made by the SOHYO and the Government's replies to them.

The Committee notes that, according to the SOHYO, a rising number of civil servants have apparently been excluded from the application of the Convention, particularly from the right to collective bargaining. The Committee notes that, according to the Government, there has been no change in this connection since ratification of the Convention. The Committee would point out again that only civil servants engaged in the administration of the State can be excluded from the guarantees set out in the Convention. It requests the Government to supply detailed information on the categories of civil servants excluded from collective bargaining.

The Committee notes that the question of applying collective agreements at the local level in the public sector, to which the SOHYO's comments relate, has already been examined by the Committee on Freedom of Association. That Committee had drawn to the Government's attention the principle according to which freely negotiated collective agreements entered into by the employees of local public enterprises should be applied without delay.

The Committee again requests the Government to supply information on the development, in general, of collective bargaining in the public sector.

Liberia (ratification: 1962)

With reference to its previous comments, the Committee notes that the Bill to which the Government again refers will give effect to certain provisions of the Convention.

The Committee notes that Part I, Chapter 1, read jointly with Part V, Chapter 23, will grant the right to bargain collectively to employees of state enterprises and authorities; it recalls that this right should be granted also to all other persons employed by the Government but not engaged in the administration of the State, as, for example, government-employed teachers in public education or municipal employees.

The Committee notes that Part II, Chapter 5, section 5.2, and Part V, Chapter 21, sections 21.3 and 21.4, contain provisions which bring the legislation into conformity with Articles 1 and 2 of the Convention concerning protection against anti-union discrimination and non-interference of employers in trade union activities.

The Committee trusts that the Bill will take account of its comments, and that it will be adopted in the near future.

Libyan Arab Jamahiriya (ratification: 1962)

The Committee notes the information supplied by the Government to the Conference Committee in 1980 and that contained in its report.

In particular, the Committee notes the statement by the Government that the new draft labour legislation, which is at present under study, will apply the standards of the ILO. It trusts that its comments will be fully taken into consideration in the work that is going on and points out that they relate to the following matters, among others: protection against acts of anti-union discrimination at the time of recruitment (section 24 of Act No. 107 of 1975 respecting workers' trade unions); conditions of validity of collective agreements (sections 63, 64, 65 and 67 of the Labour Code); application of the standards of the Convention to certain groups of workers excluded from the scope of the Labour Code (in particular seamen and agricultural workers).

The Committee refers to Act No. 55 of 1976 respecting the public service and, although it notes the information provided in the report on the classes of workers covered by this Act, it asks the Government to specify whether all officials who are not engaged in the administration of the State (for example postal employees, teachers or the employees of decentralised administrations) receive, under the Act in question, the guarantees provided for by the Convention, which apply to this class of workers.

The Committee has not received the text of Act No. 107 of 1975 or Act No. 55 of 1976. It would be grateful if the Government would send it copies.

Malaysia (ratification: 1961)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which referred to the following points:

The Committee must recall that its comments for many years have concerned sections 13 and 15 of the Industrial Relations Act, 1967 (revised in 1976). These provisions remove from the field of collective bargaining a number of questions related to the conditions of employment and the dismissal of workers and prevent the collective agreements of certain enterprises specified by the law or by the Minister from stipulating more favourable conditions than those set out in Part XII of the Employment Ordinance, 1955, unless these have been approved by the Minister.

The Committee considered that provisions restricting and controlling collective bargaining in this way cannot be considered compatible with the measures provided for by Article 4 of the Convention "to encourage and promote the full development and utilisation of machinery for voluntary negotiation ... with a view to the regulation of terms and conditions of employment by means of collective agreements".

According to the Government's latest report, a tripartite commission has completed its work on the employers' and workers' proposals for the amendment of the Industrial Relations Act, and the question should now be put before the National Joint Labour Advisory Council for further consultation.

The Committee hopes that the Government will take measures in the near future to amend the above-mentioned provisions and to bring its legislation into conformity with the Convention. The Committee requests the Government to communicate information on any development in this matter.

Mauritius (ratification: 1969)

With reference to its earlier comments, the Committee notes the statement by the Government in its last report showing that the question of including in the legislation a provision to protect workers' organisations against acts of interference by employers is still under consideration.

The Committee hopes that measures will be taken in this connection in the near future and that the next report will mention any progress made.

Nigeria (ratification: 1960)

The Committee regrets that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which referred to the following:

The Committee had noted that the provisions protecting workers against acts of anti-union discrimination, contained in the Labour Decree, 1974, did not apply to certain categories of workers, that is to say persons exercising administrative, executive, technical or professional functions; representatives, agents and commercial travellers; home workers; and persons employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.

The Committee again requests the Government to take the necessary steps to provide protection against acts of discrimination to all the workers covered by the Convention. It requests the Government to provide information on any developments in this respect.

Pakistan (ratification: 1952)

The Committee has noted the information communicated by the Government to the Conference Committee in 1979 and in its last report.

In its previous observations, the Committee had made comments on the establishment of wages commissions under the Industrial Relations Ordinance. The Committee notes that according to the Government it is only for banks and insurance companies that such a commission has been set up, and that it has granted considerable benefits to the workers in these sectors.

While noting this information, the Committee would point out again that under Article 4 of the Convention, voluntary collective bargaining must be promoted and encouraged. It therefore requests the Government to provide information on the development of the situation in the banking and insurance sectors, and on any extension of the system of wages commissions to other sectors. The Committee also requests the Government to provide information on the work of the Labour Commission, referred to in previous reports, which was to examine the system and structure of industrial relations in the country.

Panama (ratification: 1966)

In its previous observation, the Committee pointed out that section 2, subsection 2, of the Labour Code excludes, with certain exceptions, all public officials from its scope.

The report of the Government provides no additional information on the findings of the study on the draft service regulations for public employees. The Committee once again hopes that these regulations will be adopted in the near future and that they will acknowledge the guarantees laid down by the Convention for workers in the public sector who are not engaged in the administration of the State.

Paraguay (ratification: 1966)

In its earlier comments the Committee has noted that section 2 of the Labour Code excludes from its scope the staff of public undertakings. It has asked the Government to adopt specific provisions guaranteeing to workers in public undertakings protection against all acts of interference and all acts of anti-union discrimination on the part of their employers, in accordance with Articles 1 and 2 of the Convention. It has also asked the Government to adopt explicit rules to guarantee to officials not assigned to the state administration, to other public employees and to workers in public undertakings the right to bargain collectively.

The Committee, while observing that the Government states in its report that it has taken due note of these comments, hopes that it will take every step so that measures will be adopted in the near future to bring the legislation into conformity with the Convention.

Peru (ratification: 1960)

With reference to its earlier observations, the Committee takes note with interest of the coming into force on 28 July 1980 of the new Political Constitution, section 54 of which provides that collective agreements between workers and employers shall be binding on the parties, that the State shall guarantee the right to collective bargaining, that the law shall lay down the machinery for the peaceful settlement of labour disputes and that the State shall only intervene and only take a decision where the parties cannot agree.

The Committee notes with satisfaction that on 30 August 1980 Legislative Decree No. 23070 of 28 May 1980 ceased to have effect. This Decree has extended the validity of earlier decrees placing restrictions on collective bargaining, particularly in respect of wages, that had been the subject of comments by the Committee.

Portugal (ratification: 1964)

The Committee notes the information provided by the Government in its report.

With regard to the repeated comments of the Confederation of Portuguese Industry concerning the legislative obstacles in the way of the voluntary collective bargaining process, the Committee takes note of the explanations provided by the Government, which show that the question is to be examined in the light of Legislative Decree No. 519-C 1/79 of 29 December 1979. The Government explains that the period of 30 days accorded the employers' and workers' organisations, after which the parties must respond to the demand addressed to them to bargain collectively, is intended to encourage and promote collective bargaining and it observes that this delay is compulsory only if no agreement is reached on a further delay (section 17). In the absence of agreement, an order may be issued by the competent minister to regulate the work if one party refuses repeatedly to bargain or where there are obviously dilatory manoeuvres (section 36(b) and (c)).

The Committee considers that these provisions do not seem to jeopardise the application of Article 4 of the Convention.

Singapore (ratification: 1965)

Further to its earlier comments concerning various restrictions on collective bargaining in regard to bonuses and wage increases, the Committee notes with interest the adoption on 3 December 1980 of Act No. 33/1980 amending section 46 of the Employment Act. Under the terms of this amendment an employer may, with effect from 1 July 1980, at his discretion and without having to seek the prior approval of the Minister for Finance, pay to an employee an annual wage supplement in excess of the amounts specified in subsection 5 of section 46 of the Act up to a maximum of three months' wages of that employee. The Committee asks the Government to continue to keep it informed of any further developments that may take place with regard to collective bargaining on bonuses and wage increases.

As regards the requirement for ministerial approval of collective agreements in certain newly established undertakings if they contain conditions more favourable than those laid down in Part IV of the Employment Act (sections 24 and 25 of the Industrial Relations Act), the Committee would be grateful if the Government would indicate in its next report whether the approval of a collective agreement in an undertaking of this kind has ever been refused.



With regard to the exclusion from collective bargaining of matters relating to promotion, transfer, appointment, dismissal or assignment of duties of employees (section 17(2) of the Industrial Relations Act), the Committee understands that negotiations, discussions and consultations do, in fact, take place on certain aspects of these matters and that the Government accepts this situation. The Committee would be grateful if in its next report the Government would provide additional information on the extent to which such negotiations actually take place in regard to these matters as well as on the legal status of any agreement reached within the framework of such negotiations. It would also ask the Government to consider the development, through tripartite discussion, of voluntary guidelines for collective bargaining on the issues in question, so as to facilitate the attenuation or removal of the existing statutory limitations.

Spain (ratification: 1977)

With reference to its earlier comments, the Committee notes with satisfaction that section 90 of the recent law on the Workers' Statute of 10 March 1980, merely attributes to the labour authority registration functions in respect of collective agreements, thus eliminating the procedure for approval by the authority provided for in Royal Decree No. 3287/1977.

The Committee also notes that Royal Legislative Decree No. 49/1978, which left in force certain provisions of Royal Legislative Decree No. 43/1977, ceased to have effect on 31 December 1979, on which date the restrictions placed by the above Decrees on collective bargaining concerning the validity of wage clauses ceased to apply.

Sri Lanka (ratification: 1972)

With reference to its earlier comments concerning Articles 1 and 2 of the Convention, the Committee takes note of the information provided by the Government in the last report. It observes, in particular, that provisions have been included in the proposed Labour Relations Law under the caption "Freedom of Association and Unfair Labour Practices" to bring the legislation into conformity with Articles 1 and 2 of the Convention.

The Committee hopes that the text in question will provide adequate protection for workers and their organisations against all acts of anti-union discrimination and against all acts of interference by employers or employers' organisations.

The Committee requests the Government to indicate in its next report any progress made.

Sweden (ratification: 1950)

The Committee notes from the information communicated by the Government that a committee has been established to examine certain questions relating to freedom of association and the right to collective bargaining. The Committee has examined certain questions relating to collective bargaining in its comments under Convention No. 87.

Tanzania (ratification: 1962)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which referred to the following points:

In its earlier comments, the Committee has referred to the approval of collective agreements by the Permanent Labour Tribunal, as provided in sections 16(b) and 23 of the Permanent Labour Tribunal Act of 1967.

The Committee has noted that, between June 1975 and December 1977, 16 collective agreements were refused. In most cases, refusal was due to the incomplete character of the agreements in question. The Government states that in these cases, the agreements were registered after completion.

The Committee has pointed out that in one case the grounds for refusal were an increase in wage rates without the permission of the Tribunal. It also notes the statement made by the Government that one of the main functions of the Government consists in ensuring that collective agreements do not conflict with the wage policy of the Government. The Committee further observes the statement that the Government has taken note of its comments. The Committee, however, can only repeat its earlier comments; in particular, it considers that, as a general rule, it is not compatible with Article 4 of the Convention to require prior approval of a collective agreement or to permit it to be declared null and void because it conflicts with the economic policy of the Government. The Committee again hopes that the necessary measures will be taken by the Government to guarantee the right to free collective bargaining, in accordance with Article 4 of the Convention. It requests the Government to report any development in this connection.

Turkey (ratification: 1952)

With reference to its earlier comments, the Committee notes the information provided by the Government. The comments of the Committee related to the rights of certain senior classes of staff in the public sector. The Committee notes the statement by the Government that directors, assistant directors and qualified accountants of state economic undertakings act as employers and do not have the right to bargain collectively, under section 119 of the Constitution. The Committee also notes that this staff is not numerous.

The Committee has also studied the conclusions reached by the Committee on Freedom of Association at its February 1981 session on Cases No. 997 and 999 respecting Turkey (207th Report, approved by the Governing Body at its March 1981 session). The Committee observes that the Government has taken various measures suspending the activities of trade union organisations and collective bargaining. The Committee would point out again that genuine collective bargaining cannot take place without the participation, as workers' representatives, of trade unions in so far as they normally carry out their activities. Moreover, an Act to establish a supreme arbitration board has been adopted. The Committee asks the Government to provide information on any changes in the matter and, in particular, on any measures that may be taken to promote the development of the voluntary negotiation of collective agreements, in accordance with Article 4 of the Convention.

Uruguay (ratification: 1954)

The Committee notes that direct contacts took place between the competent government authorities and a representative of the Director-General in January 1981. The Committee notes also the information communicated by the Government in its last report and in particular the data it contains on the conclusion of collective agreements.

The Committee recalls that it had indicated that genuine collective bargaining regarding conditions of employment, including wages, cannot take place without the participation, as workers' representatives, of legally constituted trade unions.

The Committee requests the Government to continue to provide information on any legislative or other measure which may be taken to promote the development of the voluntary negotiation of collective agreements, particularly on wages, in accordance with Article 4 of the Convention.

In addition, the Committee again expresses the hope that the necessary measures will be taken with a view to bringing the national legislation into conformity with the provisions of the Convention concerning protection against acts of anti-union discrimination (Article 1) and acts of interference (Article 2). It requests the Government to provide information on any development which may take place on these points.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Bangladesh, Colombia, Costa Rica, Cuba, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, Fiji, Gabon, Guatemala, Jamaica, Jordan, Lesotho, Malta, Nicaragua, Panama, Papua New Guinea, Philippines, Swaziland, Uganda, Yemen, Zaire.

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

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

Requests regarding certain points are being addressed directly to the following States: Algeria, Colombia, Comoros, Malawi, Paraguay, Philippines, Senegal, Tunisia, Turkey.

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

**Convention No. 100: Equal Remuneration, 1951**France (ratification: 1953)

With reference to its earlier comments, the Committee notes with satisfaction, from the information supplied by the Government to the 66th Session of the Conference in June 1980, that the adoption of the

Order of 2 May 1979 (concerning housing allowances for members of the staff of mines) has resulted in the ending of the discrimination based on sex due indirectly to the application of the notion of "head of household" in the granting of supplementary wage benefits in the semi-public sector.

The Committee also takes note with interest of the consideration being given by the Government to a better definition of the notion of "equal value" of work and its encouragement of the efforts made by the employers' and workers' organisations with a view to revising the evaluation and classification of duties. It would be grateful if the Government would continue to provide information on the developments occurring in this connection, indicating, if possible, the methods chosen and the extent to which they facilitate the better application of the principle of the Convention.

Lastly, the Committee would be grateful if the Government would indicate any measures taken following the examination of the report of the working party on "discrimination and disparities in the work of women" (Baudouin report) after consultation with the employers' and workers' organisations with special reference to the recommendations of this report already noted by the Committee, which concern the supply of information to works councils on the levels of wages broken down by sex and the setting up under the labour inspectorate of a panel of experts on job classification.

#### Netherlands (ratification: 1971)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Act of 2 July 1980 (Equal Treatment of Men and Women in the Civil Service Act), which prohibits, in particular, discrimination on the basis of sex in relation to remuneration, in respect of civil servants who were not covered by the 1975 legislation on equality of remuneration.

The Committee also notes with satisfaction the adoption of the Men and Women (Equal Treatment) Act dated 1 March 1980, which prohibits any distinction, whether direct or indirect, in relation to employment, including any based on marital status or family circumstances. The Committee further notes both the temporary nature of the exception concerning workers between 18 and 23 years of age at the date of coming into force of the Act who are granted higher wages or leave allowances than other workers of the same age, on the basis of a collective agreement, on the grounds that they are breadwinners or married, and the additional information supplied by the Government showing that the concept of breadwinner hardly ever appears now in collective agreements.

The Committee would be grateful if the Government would continue in forthcoming reports to provide information on the above questions and on the application of the newly adopted provisions and also, more generally, on progress in the promotion of the principle of the Convention resulting, in particular, from the application of the Act of 20 March 1975 on equal remuneration for men and women workers.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Australia, Chad, Comoros, Djibouti, Finland, Indonesia, Jamaica, Jordan, Libyan Arab Jamahiriya, Mozambique, Yemen.

## Convention No. 102: Social Security (Minimum Standards), 1952

Part XIV (Miscellaneous provisions) of the Convention, Article 76, paragraph 1(b). The Committee notes that many of the reports received on the application of the Convention do not contain the statistical information that would make it possible to assess the way in which effect is given to the Convention. Since, as a rule, reports on the Convention are due only at four-yearly intervals, the Committee asks governments to take special care to supply regularly in their reports all the statistical information called for by the form of report adopted by the Governing Body, indicating in particular data on the number of persons protected, the rate and method of calculation of benefits and the review of long-term benefits.

### Denmark (ratification: 1962)

Part IV (Unemployment benefit), Article 24 of the Convention (in conjunction with Article 69(i)). With reference to its earlier comments, the Committee notes with interest that section 61, subsection 3, of Act No. 114 of 24 March 1970 respecting placement and unemployment insurance (which provides that benefits shall be suspended for all members of an unemployment insurance fund or section thereof if 65 per cent or more of the members are considered to be involved in a labour dispute) has ceased to apply - by virtue of the amendment made by Act No. 229 of 6 June 1979 - except to cases where the labour dispute is not incompatible with a collective agreement. The Committee understands from the statement of the Government that the suspension of unemployment benefits in this way is at present limited to workers involved in the dispute or whose conditions of employment may be influenced by its outcome. The Committee would be grateful if the Government would confirm in its next report whether its understanding is correct and provide some examples of the practical application of the above-mentioned provision as amended.

### Federal Republic of Germany (ratification: 1958)

Part XIII (Common provisions), Article 69(i) of the Convention. With reference to its previous observation, the Committee has studied the information provided by the Government on the application in practice of the Neutrality Order of 22 March 1973 issued by the Federal Employment Institute. It asks the Government to continue in forthcoming reports to supply information on this matter and to indicate any change that may take place concerning the revision of section 116 of the Employment Promotion Act dated 25 June 1969.

### Ireland (ratification: 1968)

Part X (Survivors' benefit) - Articles 60 and 62 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that the amendments made in the definition of the term "orphan" appearing in the Social Welfare Act, 1952, by the amending Acts of 1978 (section 16) and 1980 (section 12) make it possible to apply the Convention - in the event of the death of a mother who is the breadwinner - to children whose father, still alive, is not entitled to insurance benefits or who are not dependent on him.

The Committee also notes with interest the increases in various benefits that have taken place during the period covered by the report.

Niger (ratification: 1966)

1. The Committee notes that the Government's report contains no reply to its comments. It hopes that the next report will include full information on any progress made with regard to the following points.

Part VII of the Convention (Family Benefit), Article 43 (qualifying period). Amendment of sections 8 and 9 of Decree No. 65-116 of 18 August 1965 so as to bring them into line with the Convention by reducing the present qualifying period of six consecutive months' employment with one or more employers to three months.

Part XIII (Common Provisions), Article 69(b) (in conjunction with Articles 30 and 38). Payment of a benefit to dependants of an insured person maintained at public expense, equal to the difference between the cost of such maintenance and the benefit payable under the social security system.

2. The Committee had also noted that while the rates for the periodical payments provided for the long-term type of benefit (old age, employment injuries) had not been revised, the Government had been keeping a watch on the movement of the general level of earnings in relation to changes in the cost of living. The Committee hopes that the Government will take the action required for a review of the rates of these benefits following substantial changes in the general level of earnings where these result from substantial changes in the cost of living, as required by Article 65, paragraph 10, of the Convention.

3. Part XIV (Miscellaneous Provisions), Article 76 (in conjunction with Articles 44 and 65). The Committee requests the Government to give statistical information in its next report relating to family benefits (amounts and total value of the benefits in cash and kind in respect of children of protected persons; total number of children of all protected persons; monthly rates of the family allowance per dependant child), and also on the present rates of other benefits since the last information given on this subject relates to the period 1966-70.

Norway (ratification: 1954)

With reference to its earlier comments, the Committee notes with satisfaction that the increase in the rate of allowance for temporary incapacity raised to 100 per cent of previous earnings by the Act of 10 June 1977, makes it possible to give full effect to Article 36 of the Convention (Part VI - Employment injury benefit).

The Committee also notes with interest that the Government now uses for the calculation of benefits the reference wage laid down by the Convention (Part XI - Standards to be complied with by periodical payments, Articles 65, paragraph 3, and 66, paragraph 1).

Yugoslavia (ratification: 1954)

Part IV of the Convention (Unemployment benefit). With reference to its earlier comments, the Committee notes with satisfaction that the means test for the granting of unemployment benefit has been eliminated for the first three months of the payment of this benefit also in the Socialist Republics of Bosnia-Herzegovina, Macedonia and Serbia and the Province of Kosovo, under the new legislation on employment in these Republics.

Part X (Survivors' benefit), Article 62 (in relation to article 65). The Committee notes the information provided by the Government on the granting of a supplement to bring the benefit up to the level prescribed by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Austria, Barbados, Belgium, Bolivia, Costa Rica, Denmark, France, Greece, Israel, Italy, Mauritania, Mexico, Norway, Senegal, Switzerland, Turkey.

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

#### Austria (ratification: 1969)

1. The Committee has examined the reply of the Government to its earlier comments and notes the information concerning the application in practice of Article 4, paragraph 3, of the Convention (in respect of free medical care for certain classes of women workers).

2. Article 6 (prohibition of dismissal). The Committee also notes the details given by the Government concerning the application of sections 10 and 12 of the Federal Maternity Protection Act and section 75 of the Federal Agricultural Labour Act. It is bound, however, to point out again that the above-mentioned legislation, although it offers certain guarantees against abusive dismissal and provides a longer period of protection, is not enough to ensure the full application of the Convention, since it does not lay down, like this instrument, an absolute prohibition of dismissal during the period when a woman is absent from work on maternity leave, whether prenatal or postnatal (possibly extended in case of late confinement or illness resulting from pregnancy or confinement).

The Committee also notes the comments provided by the Austrian Congress of Chambers of Labour, which have been enclosed by the Government with its report. According to these comments, the protection accorded by the Maternity Protection Act has led employers in certain cases to take advantage of the slightest lapse of the woman worker to dismiss her. The Committee therefore hopes that the Government will adopt the necessary measures to include a provision in the above-mentioned legislation corresponding to that of Article 6 of the Convention, as other countries with similar legislation have done.

3. The Committee also notes the other information in the comments of the above-mentioned trade union organisation concerning the application in practice of the legislation on maternity protection.

#### Bolivia (ratification: 1973)

1. Since no report has been received from the Government, the Committee has no information on any measures which may have been taken to bring national legislation into full conformity with the Convention on the following points:

(a) Article 1 of the Convention (scope): (i) Legislative measures should be taken so that women civil servants and public employees as well as women agricultural wage earners may be brought



under the maternity protection scheme provided for by the Labour Act.  
(ii) The maternity insurance scheme should also be extended to women domestic workers.

(b) Article 3, paragraph 2 (duration of maternity leave): Section 61 of the Labour Act, which provides for maternity leave of 60 days, should be amended in order to provide for a period of leave of at least 12 weeks in conformity with the Convention and with the national legislation on social security.

(c) Article 3, paragraph 4 (extension of pre-natal leave): A provision in conformity with that of the Convention should be inserted in the Labour Act in order to provide for the possibility of extending pre-natal leave where confinement occurs after the presumed date, without any reduction of post-natal leave.

2. The Committee also requests the Government, as it has already done in the past, to indicate:

(a) in what manner women workers covered by the Convention, but who have not completed the qualifying period laid down by national social security legislation or who are not yet covered by the insurance scheme, can receive the medical care and maternity cash benefits provided for in the Convention;

(b) whether the insurance scheme for the agricultural sector, established by Legislative Decree No. 15697 of 2 August 1978, has been implemented in practice and, if so, what regions are so far covered (please indicate also if cash benefits are paid under this scheme).

#### Brazil (ratification: 1965)

In its earlier comments the Committee has pointed out that Act No. 1711 of 1952 to lay down regulations for the federal public service contains no provision authorising a woman to interrupt her work for the purpose of nursing her child, as laid down by Article 5 of the Convention, and has expressed the hope that this point will be taken into account during the revision and bringing up to date of the law. The Committee has also expressed the wish that a specific provision corresponding to that of Article 6 of the Convention should be included in the national legislation in order to guarantee that a woman shall neither be dismissed during her absence on maternity leave (at least 12 weeks, which may be extended in case of delayed confinement or illness arising out of pregnancy or confinement), nor receive notice of dismissal at such a time that the notice would expire during this absence.

Since the Government has supplied no report, the Committee has no information on the measures that may have been taken in order to ensure full application of the Convention on the above-mentioned points.

The Committee can therefore only hope that a report will be provided for examination at its next session and that this will contain information on the measures taken to this effect.

#### Ecuador (ratification: 1962)

The Committee notes the reply of the Government to its earlier observations and requests.

1. It takes note with satisfaction of the statement by the Government that the social security scheme has been extended to cover



all wage earners in the country and that it now protects wage earners in the agricultural sector as well. The Committee hopes that the Government in its next report will be able to supply statistics on the number of persons protected by this scheme and in particular by maternity insurance.

2. The Committee also notes with satisfaction the report of the Ecuadorian Social Security Institute communicated by the Government in answer to its earlier comments to the effect that section 4 of the Compulsory Social Insurance Act, which excluded certain classes of foreign women workers from the maternity protection scheme, has been repealed by Decree No. 3016 of 23 November 1968 (Article 2 of the Convention).

3. The Committee also notes with interest that, during the direct contacts that took place in September 1980, for the countries of the Andean Group, between a representative of the Director-General of the ILO and the competent national services, and taking account of those which had already taken place in 1976, certain draft legislative texts have been prepared to amend sections 133 and 136 of the Labour Code with a view to bringing them into conformity with the Convention.

The Committee hopes that these drafts will be adopted in the very near future, in accordance with the intention expressed by the Government in its report, and that effect can then be given to the following basic provisions of the Convention: Article 3, paragraphs 2, 3 and 4 (at least 12 weeks of maternity leave, instead of the 8 laid down by the national laws in force, and the extension of prenatal leave in the event of a mistake in estimating the date of confinement); Article 4, paragraphs 1, 5 and 8 (maternity benefits to be paid throughout the leave and in every case by means of social insurance or out of public funds); and Article 5 (nursing breaks to be counted as working hours and remunerated accordingly).

4. Lastly, the Committee hopes that the revision and consolidation of the Compulsory Social Insurance Act will be completed very shortly and that it will take account of the provisions of the Convention.<sup>1</sup>

#### Italy (ratification: 1971)

Article 6 of the Convention (prohibition of dismissal). The Committee notes from the Government's reply to its previous comments that section 2 of Act No. 1204 of 1971 on the protection of working mothers, which prohibits dismissal during the period of pregnancy and the three months following confinement, continues not to be applicable to domestic employees who are protected against dismissal only until the date on which they become entitled to take prenatal leave. The Committee has also noted that the national collective agreement of 14 December 1978 regulating conditions of work in the domestic sector has confirmed this practice.

The legislation and practice on this matter are contrary to the Convention in that they do not lay down - as does the Convention - a prohibition of dismissal during the period of absence on maternity leave (that is to say, for at least 12 weeks with a possible extension in the case of a late confinement or of illness arising out of the pregnancy or confinement). The Committee trusts that the Government

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

will not fail to take the necessary measures - whether by way of law or of regulations - to ensure the full application of the Convention on this point, as had been the case under the previous legislation.

Spain (ratification: 1965)

(a) Article 1 of the Convention (in conjunction with Article 4: medical and cash benefits). With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Legislative Decree No. 16 of 7 June 1978 respecting social security for the officials of the judiciary and Decree No. 3283 of 3 November 1978 approving the rules of their general mutual insurance fund, which provide, in the event of maternity, for the granting of medical care and cash benefits equivalent to those of the general social security scheme for other civil servants. The Committee also notes with interest that officials of local administrations and autonomous bodies also enjoy similar protection in the event of maternity.

(b) Article 3, paragraphs 2 and 3 (maternity leave), and Article 5 (nursing breaks). The Committee also takes note with satisfaction of the amendments made to the Decree of 20 July 1967 on civil servants by Decree No. 2855 of 16 November 1978 in respect of an increase in the length of maternity leave (extended to 14 weeks) and the recognition of the right of women civil servants to interrupt their work to nurse their children.

Uruguay (ratification: 1963)

The Committee has noted with interest the information supplied by the Government, particularly on the reorganisation of the administrative bodies of the social security scheme achieved under the Constitutional Decree No. 9 of 23 October 1979 and on the extension of maternity benefits to rural and domestic women workers.

Article 4, paragraphs 1, 2 and 3, of the Convention (medical benefits for women workers in the public sector). Referring to its earlier comments, the Committee has noted the reply of the Government, that medical care provided by the Convention is now granted to a great number of women workers in the public sector. The Committee hopes that efforts will be made so that all the women workers in this sector will be entitled to the care, either by incorporating them in the maternity protection scheme provided by Act No. 12572 of 1958, or by setting up special health services in the establishments where these women are working.

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In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Hungary, Mongolia, Poland, Spain.

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

**Convention No. 105: Abolition of Forced Labour, 1957****Afghanistan (ratification: 1963)**

The Committee notes the information communicated by the Government in reply to its earlier observations.

1. The Committee had previously noted the Government's statement that a new Penal Code adopted on 17 September 1976 had repealed the Public Security Offices Act, the Breaches of Public Order Act and the Punishment of Prisoners Act, 1934, and asked for the text of the new Penal Code to be communicated. According to the Government's latest report, this has already been done. Since, however, no copy of the new Penal Code has been received by the ILO so far, the Committee trusts that a copy will be made available for examination in the near future.

2. The Committee had also noted the Government's statement in 1977 that the Press Law of 1965 had become obsolete under the new Constitution which had re-established the freedoms of opinion and expression and under which the Government was bound to enact a new Press Law before November 1979. The Committee notes from the Government's latest report that a temporary new Constitution for the country is being drafted, and that no particular law or regulation has been passed yet concerning the press, meetings and associations. It would ask the Government to supply information on all legislative or other measures taken or contemplated which may have a bearing on the observance of Article 1(a) of the Convention.

3. The Committee had previously noted that section 43 of the Constitution, while generally prohibiting forced labour even for the State, authorises collective activity required by the collective interest, within limits to be established by laws to be enacted. The Committee takes due note of the Government's statement in its reply that there is at present no forced labour in the country. It hopes that under the new Constitution being drafted, law as well as practice will be clearly brought into conformity with the Convention, which prohibits the use of compulsory labour for purposes of economic development.

4. The Committee notes from the Government's reply to its previous observation that there are at present no laws or regulations governing the organisation and functions of labour battalions. It would ask the Government to indicate whether these battalions have been definitively abolished or whether the use of conscripts for economic development purposes has been temporarily suspended.

**Argentina (ratification: 1960)**

With reference to its earlier comments, the Committee takes note of the report of the Government and observes that direct contacts have taken place between the Government and a representative of the Director-General. In particular, the Committee notes with interest the approval, by Decree No. 929 of 5 May 1980, of new regulations applicable to persons detained, on trial or sentenced for offences of subversion, and which, according to the Government, remove political prisoners from the general prison labour system. The Committee notes that these regulations, which form annex No. 1 to Decree No. 929, were not published with this Decree in Official Gazette No. 24024 of 23 May 1980.

The Committee would be grateful if the Government would provide a copy of the regulations approved by Decree No. 929 of 5 May 1980 and state how these regulations have been brought to the knowledge of those concerned. Furthermore, the Committee hopes that the next report of the Government will contain replies to the questions raised in its observation and direct request of 1980 concerning Article 1(c) and (d) of the Convention.

Central African Republic (ratification: 1964)

Article 1(a) of the Convention. 1. In its earlier comments, the Committee has pointed out that, under the provisions of Act No. 63/411 of 17 May 1963, every active citizen must belong to a designated national movement (MESAN) and follow its political line and the decisions of its executive bodies and that any person forming or attempting to form another group or association of a political character or undertaking political activities in any form outside the said national movement is liable to imprisonment (involving, under section 62 of Order No. 2772 of 18 August 1955, compulsory prison labour). The Committee has also noted that Act No. 60/169 of 12 December 1960 provides for the prohibition, on penalty of imprisonment involving compulsory labour, of publications that may be prejudicial in particular to "the edification of the Central African nation" and that the penalties provided for by Act No. 60/169 are also applicable in cases of infringement of the provisions of Order No. 3-MI of 25 April 1969 respecting the sale of foreign newspapers and of Decree No. 70/238 of 19 September 1970 establishing conditions for the dissemination of news, under which the distribution of all newspapers and news of foreign origin is subject to prior censorship.

The Committee has asked the Government to review these provisions in the light of Article 1(a) of the Convention and to indicate any measures taken or under consideration to ensure the observance of the Convention in this respect.

The Committee notes with interest from the information supplied by the Government to the Conference in 1980 that, following the direct contacts that took place in December 1978 and May 1980 with the representative of the Director-General of the ILO, the Ministry of Labour has proposed to the Ministry of Justice a draft ordinance and draft decrees to amend section 62 of Order No. 2772 of 18 August 1955 regulating the functioning of prisons and prison labour, so as to exempt from the obligation to perform prison labour persons convicted for political reasons under the provisions of Act No. 60/169 of 12 December 1960, Decree No. 3-MI of 25 April 1969 or Decree No. 70/238 of 19 September 1970. The Committee hopes that these drafts will be adopted in the near future and that measures will also be taken in respect of Act No. 63/411 of 17 May 1963 to ensure the observance of the Convention.

2. In its earlier comments, the Committee has also asked for information on the practical application of a number of provisions of the Penal Code, of Act No. 60/175 and of Ordinance No. 66/22 providing for the prohibition of certain associations. In the absence of a reply, the Committee is again addressing a direct request to the Government on this matter.

Chad (ratification: 1961)

The Committee notes with regret that despite the discussion which took place in the Conference Committee in 1979 on the application of

this Convention, and for the sixth year in succession the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 1(d) of the Convention. In the comments that it has been addressing to the Government for some years, the Committee has noted that Ordinance No. 30/PR/CSM of 26 November 1975 has suspended all strikes until further notice throughout the whole country and that any person contravening this provision is deemed to be acting to the detriment of good order and treated accordingly. Furthermore, Act No. 15 of 13 November 1959 to punish acts of resistance, disobedience and breach of duty towards the administrative authorities prescribes that persons who refuse to comply shall be punished by imprisonment with the obligation to work. So far as these provisions make it possible to punish participation in any strike with penalties involving the obligation to work, they are contrary to the Convention. The Committee hopes that the Government will take the necessary measures to ensure the observance of the Convention in this respect.<sup>1</sup>

Guinea (ratification: 1961)

The Committee refers to its general observation and expresses the hope that the direct contacts asked for by the Government will make it possible to settle the questions raised in its earlier comments concerning the adaptation of certain penal provisions to Article 1(a) of the Convention, the repeal of the legislation on the Work Centres of the Revolution, the amendment of the provisions on compulsory military service under which use may be made of compulsory service in circumstances contrary to Article 1(b) of the Convention, and also the supply of certain legislative texts.

Haiti (ratification: 1958)

1. Suspension of constitutional guarantees. In its earlier observations the Committee has noted that each year since 1960 a decree giving full powers to the head of the Executive has suspended for a period of six to eight months a considerable number of constitutional guarantees representing indispensable conditions for the effective application of the Convention. It notes that a similar decree was adopted on 20 September 1980.

The Government has previously stated that, although the decree refers explicitly to the suspension of guarantees, there is no suspension proper and the guarantees remain but that it falls to the Chief of State to have them respected during the period when the Legislative Assembly is not in session.

The Committee notes with interest that, during the direct contacts that took place between the Government and representatives of the Director-General of the ILO in December 1980, a draft decree was drawn up under which only section 48, subsection 2, of the Constitution would be suspended in respect of the legislative power, and the judiciary would remain associated in the application of the constitutional guarantees which would no longer be suspended. The Committee therefore hopes that, at the end of the 1981 session of the

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

Legislative Chamber and in future, the constitutional guarantees under which the effective application of the Convention can be ensured will be normally maintained in force.

2. In its earlier comments, the Committee has also referred to certain provisions of the national legislation under which penalties involving compulsory prison labour can be imposed in cases coming under Article 1(a) and (c) of the Convention. It notes with interest that, during the above-mentioned direct contacts, the repeal of the decree of 8 December 1960 concerning hours of work was included in the draft revision of the Labour Code, which is to be adopted in the near future. It also notes that another draft text now being worked out in the Ministry of Justice is to institute a special prisoner status, without compulsory labour, for persons sentenced for press offences (except where the offences constitute offences against morality or blackmail or incitement to murder) and for persons sentenced by the State Security Court (except where they are sentenced for violent offences). The Committee trusts that the amendments will be adopted in the near future and that the Government will provide a copy of the relevant texts.

Kenya (ratification: 1964)

The Committee notes the information provided by the Government in its report.

In previous comments, the Committee has referred, inter alia, to various provisions of the Penal Code, the Public Assistance Act, the Prohibited Publications Order, 1968, the Merchant Shipping Act, 1967 and the Trade Disputes Act (Cap 234) under which imprisonment (involving an obligation to perform labour) may be imposed as a punishment for the display of emblems or the distribution of publications signifying association with a political object or political organisation, for various breaches of discipline in the merchant marine and for participation in certain forms of strike.

The Committee notes the Government's statement in its report that it is now clear about the action to be taken to eliminate the discrepancies between national law and the provisions of the Convention, but that due to a number of changes in the ministries concerned, it has not been possible to set the necessary procedures into motion.

The Committee takes due note of these assurances. It expresses once again the hope that the necessary action will soon be taken to bring the legislation into conformity with the Convention and that the Government will supply details on the measures adopted.

Liberia (ratification: 1962)

In previous comments the Committee has observed that prison sentences (involving, under Chapter 34, section 34-14, paragraph 1 of the Liberian Code of Laws revised, Volume 1, 1973, an obligation to work) might be imposed in circumstances falling within Article 1(a) of the Convention under section 52(1)(b) of the Penal Law (punishing certain forms of criticism of the Government) and section 216 of the Election Law (punishing participation in activities that seek to continue or revive certain political parties).

The Committee notes with interest the Government's reply in its report that the provisions of Chapter 2, section 2.2, of the proposed new Labour Law will prevent the imposition of forced labour on persons

given prison sentences for criticism of the Government, or participation in activities that seek to continue or revive certain political parties. The Committee notes that section 2.2 of the draft law prohibits the exaction of forced or compulsory labour in the circumstances listed in Article 1 of the Convention; however, it would appear from the definition of "forced or compulsory labour" in section 2.1 of the same Chapter that this prohibition does not extend to any instances in which compulsory labour is exacted as a consequence of a conviction in a court of law. In order to clarify the legal situation, it would accordingly be desirable to insert in Chapter 34, section 34-14, paragraph 1 of the Liberian Code of Laws revised, dealing with prison labour, a specific provision according to which prisoners convicted for acts falling within the ambit of the Convention shall not be required to work.

The Committee hopes that the Government will re-examine the situation and that it will soon be able to indicate the measures taken or envisaged.

Peru (ratification: 1960)

Article 1(e), of the Convention. With reference to its earlier comments, the Committee notes with interest that during the direct contacts that took place between the Government and a representative of the Director-General of the ILO in 1980, a Bill was drafted to repeal section 44 of the Penal Code on penalties applicable to indigenous people. The Committee hopes that this Bill will be adopted in the near future.

Tanzania (ratification: 1962)

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

Tanganyika

In observations made for several years, the Committee referred to a number of legislative provisions under which prison sentences involving an obligation to work may be imposed for the publication of any newspaper prohibited by the President in the public interest, for various violations of labour discipline and for participation in strikes.

The Committee notes the statement of the representative of the Government of Tanzania to the 1980 Conference Committee that it was giving serious consideration to the comments of the Committee of Experts; these comments were long and technical and dealt with a great number of laws on which the Government had not yet been able to complete its study because of the need for consultations among various government departments.

Recalling the Government's statement to the Conference Committee in 1978 that direct contacts had enabled it to recommend amending the legal provisions in question, and that drafts prepared on that occasion were going to be submitted for enactment, the Committee trusts that measures will soon be adopted to bring the legislation into conformity with the Convention and that the Government will indicate the action taken.

Zanzibar

In its previous comments the Committee had referred in particular to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree) the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion in violation of Article 1(a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961, on the measures taken to abolish compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. Noting the statement of the representative of the Government of Tanzania to the Conference in 1980 that the Government was still trying to get reports from Zanzibar, the Committee hopes that the difficulties which have been facing the Government as regards access to information on the application of the present Convention in Zanzibar will soon be overcome.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Benin, Central African Republic, Chad, Comoros, Djibouti, Ecuador, El Salvador, France, Iran, Kenya, Liberia, Libyan Arab Jamahiriya, Morocco, Panama, Suriname, Syrian Arab Republic, Tanzania.

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

#### Cyprus (ratification: 1968)

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

With reference to its previous comments, the Committee notes that the draft Employment Law, which the Government has been referring to for some years, has been revised and sent back to the Labour Advisory Board for a fresh reading. It hopes that the Government will not fail to take the necessary steps so that this draft, which is to ensure the full application of the Convention, is adopted very shortly, and it asks the Government to communicate the text.<sup>2</sup>

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

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1981.



Egypt (ratification: 1958)

The Committee notes with interest, from the information provided by the Government in reply to its observation of 1979, that the new draft Labour Code, which is at present before the People's Assembly, provides for the granting of a weekly rest period to all workers without exception, thus giving full effect to Article 7 of the Convention. It hopes that this draft will be shortly adopted and that it will also give effect to Article 8 of the Convention, by providing for the granting of compensatory rest, irrespective of any additional pay, for persons occasionally employed on the weekly day of rest.

Kuwait (ratification: 1961)

The Committee regrets to observe that the information supplied by the Government to the Conference Committee in 1980 and in its last report contains nothing new concerning the following points, which the Committee has been raising for some years:

Article 2 of the Convention. It is necessary to provide for a weekly rest period of 24 consecutive hours in each period of seven days for temporary workers employed for a period of not more than six months and for workers in undertakings employing fewer than five workers in establishments covered by the Convention, since section 2 of the Labour Law (Private Sector) of 1964 excludes these classes of workers from its scope.

Article 8, paragraph 3. It is necessary for persons covered by the Convention, when they work on the weekly day of rest under section 15 of the Labour Law (Public Sector) of 1960 or section 35 of the Labour Law (Private Sector) of 1964, to be able in every case to take a compensatory rest period of 24 consecutive hours during the following seven days, irrespective of any compensatory wage.

The Committee trusts that the Government will not delay in taking measures to ensure that the provisions of the Convention are fully applied.<sup>1</sup>

Syrian Arab Republic (ratification: 1958)

Article 8, paragraph 3 of the Convention. The Committee notes with regret that the Bill to which the Government has been referring for many years, which would ensure that workers who had worked on a weekly rest day in accordance with the exceptions provided for in section 120 of the Labour Code, receive compensatory rest, has not yet been adopted. It trusts that the Government will not fail to take the necessary measures in the near future to bring national legislation into conformity with the Convention on this point.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Morocco.  
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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1981.

**Convention No. 107: Indigenous and Tribal Populations, 1957**Bolivia (ratification: 1962)

The Committee notes with regret that for the third consecutive year no report has been received. It recalls that a very brief report was received in 1977 and that the last detailed report dates back to 1974. In these circumstances, the Committee is not in a position to examine the situation of the indigenous populations of the country and to assess the extent to which the Convention is applied in Bolivia. It points out that there are a number of important questions in this respect on which it has requested information.

In the direct request addressed to the Government in 1978, the Committee referred to the fact that the indigenous populations of the country are divided into two groups, those living in the Sierra regions, which form the more settled rural portion of these populations, and the forest-dwelling tribal populations. As these two groups have distinct problems, the Committee divided its request into two parts. Among the questions raised in that request, which the Committee is again addressing to the Government, were the following:

Indigenous populations of the Sierra

Article 5 of the Convention. What opportunities are being given the indigenous populations to participate in the planning of programmes for their benefit?

Article 7. To what extent are indigenous populations allowed, under national law, to retain their own customs and practices?

Article 10. What measures have been taken to permit and assist indigenous populations in taking legal proceedings for the effective protection of their rights?

Articles 11 to 14. In connection with the revision of agrarian reform legislation, what action is being taken to take account of the special needs of indigenous populations?

Article 15. The Committee has noted the allegations, made in a report of the Anti-Slavery Society to the United Nations Ad Hoc Working Group on Slavery in 1977, referring to all the indigenous groups in the country, concerning forced indebtedness of indigenous groups, forced labour on rubber plantations, conditions of transport and of work of migrant workers, agricultural workers and miners, many of whom are members of the indigenous populations, and freedom of association among these populations. The Government is therefore requested to furnish detailed information on the conditions of work of these workers.

Articles 20 and 21 to 24. See under forest-dwelling tribal populations.

Forest-dwelling tribal populations

Articles 2, 3 and 27. The Committee has noted the Government's statement that it has been unable to take direct action in favour of indigenous populations, and has delegated certain functions to the Summer Institute of Linguistics, a missionary and linguistic organisation. It has also noted that there is no government agency with over-all responsibility for supervising or implementing programmes involving forest-dwelling tribal populations, which are currently carried out by various government bodies and missionary groups without any co-ordination. It has suggested that recent measures taken in other countries might serve as a model for such an agency, and that

this might be an appropriate subject for consultation with the International Labour Office.

Articles 11 to 14. The Committee has requested information on several questions concerning the protection of the indigenous populations against encroachments on their lands by settlers, including a proposed scheme of large-scale settlement in areas occupied by them, indications of how current legislation intended to protect them is being implemented, and information on proposed changes in current legislation.

Article 15. Bearing in mind that these populations are increasingly entering the employment market, the Committee would be grateful if the Government would indicate what special measures have been taken for their protection, as required by this Article.

Article 20. What health services are provided by the Government or by missionary groups?

Articles 21 to 24. What educational services are provided by the Government or by missionary groups, and how does the Government co-ordinate such activities?

The Committee hopes that a report will be transmitted for examination next year and that it will contain full information on the above points, which are further elaborated in a request being addressed directly to the Government.

Brazil (ratification: 1965)

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

The Committee has noted the detailed reports furnished by the Government in 1977 and 1978. It notes, however, that these reports do not reply to many of the points raised in the previous request, and hopes that the Government will base its next report both on the terms of the Convention and on the detailed request addressed to it again this year.

The Committee notes that isolated Indian groups are being exposed to accelerating contact with non-Indian society, which is affecting their health and cultures. It considers that as the pace of development of the Amazon region in particular increases, there are likely to be an increasing number of instances in which forest-dwelling indigenous groups are affected by the proximity of roads, settlements and industrial projects (e.g. timber-cutting and mineral extraction) to the lands which they occupy. The Committee also notes the continuing debate in the country over the speed with which and the manner in which the Indians should be integrated into the national society.

The Committee accordingly hopes that the Government, in planning activities for the development of the Amazon, will do everything possible to minimise the effect of these activities on the indigenous populations until they are prepared for increased contacts with the national society. In planning the direction of the integration policy for the Indians, the Committee hopes that consultations will be carried out with representatives of the Indians themselves as well as with anthropologists and with the National Indian Foundation.

In particular, the Committee hopes that the procedures under consideration for the emancipation of Indian communities from tutelage will provide for preliminary studies by anthropologists before decisions are made in each case, for an effective consultation with the community concerned, for the

provision of technical and other assistance, and for measures to ensure their continued possession of the lands necessary for their development.

Colombia (ratification: 1969)

The Committee notes with interest the various developments which have taken place during the last year with regard to the situation of indigenous populations in the country. In particular, the Government requested the technical advice of the International Labour Office in drafting new legislation concerning the rights of indigenous populations and the administration of indigenous affairs, taking into account the requirements of Convention No. 107, and a first visit for this purpose was carried out in September 1980. In addition, a special ministerial commission created by the President of the Republic conducted an examination of the situation of the indigenous populations of the country (*Diagnóstico de la situación indígena en Colombia*), which was completed in September 1980, and on the basis of this analysis has formulated a Programme of Indigenous Development recommending measures which should be taken in this area. The Government has also communicated a detailed report on many aspects of the Convention's application. Finally, the Committee notes that draft legislation on this subject was submitted to Congress in August 1980, before the other measures mentioned above had been completed, and concerning which the International Labour Office made a number of comments.

The Committee welcomes the Government's initiatives to evaluate the situation of the indigenous populations of the country, to take the necessary measures to update the relevant legislation, and to begin concentrated programmes of aid and development for these populations. It hopes that it will be possible in the near future to begin the implementation of these measures. The Committee understands that further advice from the International Labour Office can be made available in connection with the proposal for new legislation, and hopes that in formulating the terms of the legislation the provisions of the Convention and the Office's comments on the earlier draft will be taken into account, and that the Committee will be kept informed of all developments.

Ecuador (ratification: 1969)

The Committee notes with interest that the Government has requested the technical advice of the Office to examine in detail the problems encountered with relation to indigenous populations, in particular (a) to establish a comprehensive analysis of the situation in the light of Convention No. 107, (b) to gather the information and data previously requested by the Committee, (c) to assist in the preparation of draft legislation which will allow the implementation of the fundamental provisions of the Convention, and (d) to suggest other measures which will enable the Government to continue a positive and effective dialogue with the ILO's supervisory bodies.

The Committee welcomes this initiative and recalls that in its previous direct request it had drawn the Government's attention to the following issues and problems which have so far impeded the application of the Convention.

Lack of centralised administration. As the Government has indicated in its report, there is no body which has over-all responsibility for programmes relating to indigenous populations.

Lack of legislation. As there is no legislation dealing specifically with the status and special problems of the country's indigenous populations (estimated at some 2 million persons), it is difficult to undertake programmes aimed particularly at these groups. The Committee is informed in this regard that the Office will be able to furnish examples of legislation which may be adapted to the situation in Ecuador, and to assist the Government in determining the legislation which should be adopted.

Lack of statistics. The Government has indicated its recognition of the need to gather adequate information to assess the numbers, locations and situation of the country's indigenous populations. This will of course take some time, but a framework can be laid down and definitions adopted to enable the Government to begin the process.

Land. It appears that no special measures have been adopted for the allocation of land to indigenous populations and its administration. As in most other countries with indigenous populations, there is a pressing need to protect the lands already held by these populations under traditional or other title, and to undertake measures to restore to them the lands they have lost or to provide lands adequate to enable them to survive as a distinct segment of the national population.

The Committee hopes that the Government will be able, as a result of its consultations with the Office, to take effective measures to resolve the variety of problems which confront the indigenous populations of the country and hopes that the Government will keep it informed of the progress achieved.

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

### Convention No. 108: Seafarers' Identity Documents, 1958

#### Brazil (ratification: 1963)

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

The Committee notes from the information supplied by the Government that the new model seafarers' identity document has been approved and is now being printed. The Committee hopes that the Government will be able to send a copy of the printed version with its next report.

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

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

## Convention No. 110: Plantations, 1958

### Guatemala (ratification: 1961)

The Committee has since 1966 been making comments on the application of the Convention, in which it calls attention in particular to Part II concerning the engagement and recruitment of migrant workers, including Articles 11 to 15 concerning the transport and welfare of recruited workers and Article 16 concerning advances of wages. It also points out the necessity of regulating deductions from wages, in accordance with Articles 31 and 32 of the Convention and requests information on the working in practice of the labour inspection services provided for by Part XI of the Convention.

The Committee takes note with satisfaction of the adoption, following direct contacts between the competent national authorities and a representative of the Director-General of the ILO of Government Decision No. 8-80 of 9 May 1980, which regulates the operation of recruiting agents in agriculture, in accordance with Article 5, paragraphs 1 and 2(a) and (b), and Article 8 of Convention No. 96, and contains provisions prohibiting the transport of agricultural workers in vehicles that do not meet minimum safety requirements, in accordance with Article 12, paragraph 2(a), of the present Convention. The Committee also takes note with satisfaction of the adoption, following direct contacts concerning the application of Convention No. 95, of Government Decision No. 7-80 of 9 May 1980, which regulates the conditions and extent of deductions from wages, in accordance with Articles 31 and 32.

Furthermore, the Committee has had before it the report submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group of Experts on Slavery at its fourth session in 1978 (report of the Working Group, document ECN.4/sub.2/410). According to this report, the recruitment of workers for plantations gives rise to serious abuses, including compulsion on workers to sign on or extend their engagement in order to reimburse advances on wages and other debts contracted with recruiting agents or employers; and, non-observance of the legal provisions concerning the conditions in which recruiting agents can work and those concerning the housing conditions and welfare of the workers, one reason being the absence of an effective labour inspection service on plantations. These allegations were brought to the attention of the Government in the observation addressed to it by the Committee in 1980 on the application of Convention No. 95.

The Committee notes the reply of the Government in its last report on Convention No. 95, to the effect that the competent authorities have received no complaint or accusation concerning abuses in the recruiting of workers. It recalls, however, that, in a report submitted in 1968 and transmitted by the Government with its report for 1966-68 on the application of the present Convention, a committee set up to prepare a bill respecting temporary agricultural work already mentioned serious difficulties in guaranteeing satisfactory conditions of recruitment, transport, housing and health on plantations and made recommendations for overcoming these difficulties on the basis of the provisions of Conventions Nos. 96 and 110.

The Committee considers that the adoption of the above-mentioned decisions should help to eliminate the abuses referred to. It hopes that legal provisions will also be adopted very shortly to:

- provide for the medical examination and transportation of recruited workers as well as the measures to be adopted to

preserve the health and welfare of the workers and their families during their journey, in accordance with Articles 11 to 15 of the Convention;

- limit advances on wages that may be made to recruited workers, in accordance with Article 16; and
- lay down the maximum period of service that may be provided for in a contract of employment, in accordance with Article 20.

The Committee, however, is bound to observe that the Convention can be applied only if the legal provisions giving effect to it are respected in practice. In this connection it points out once more the absolute importance of the effective working of the labour inspectorate, which, in the event, is not only responsible for supervising application of the legal provisions concerning conditions of employment and living and working conditions on plantations but also for authorising and supervising the activities of recruiting agents.

The Committee therefore trusts that the Government will take all the necessary measures, including the strengthening of the labour inspection services on plantations, to ensure the strict application in practice of the legal provisions, and that with its next report it will provide the specific information that the Committee has been requesting since 1966 on the practical operation of the inspection services on plantations. The Committee, in particular, asks the Government to indicate the number and frequency of visits of inspection carried out on plantations (Article 81) and to provide copies of inspection reports relating to plantations (Article 84).

In addition, the Committee refers to the observation it is making this year on the application of Convention No. 87.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Ecuador, Guatemala, Mexico, Panama, Uruguay.

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

#### Argentina (ratification: 1968)

With reference to its previous observation, the Committee notes with interest the statement in the Government's report that Act No. 21274 concerning dismissal ("Ley de prescindibilidad") ceased to have effect on 1 January 1981 and that the new conditions of employment in the civil service (Act No. 22140), which came into force on 30 April 1980, establish the right of the staff to stability of employment. Section 8(g) of this text, however, excludes persons who may belong or have belonged to certain groups whose "doctrine" is directed towards the "denial" of the principles, rights and guarantees laid down by the National Constitution from any possibility of access to employment in

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



the public service, and section 33(g) provides for the dismissal of such persons. The Committee would be grateful if the Government would indicate the measures taken or under consideration to ensure the application of the provisions of the Convention in respect of the elimination of discrimination on the basis of political opinion.

Austria (ratification: 1973)

The Committee notes the information provided by the Government in reply to its earlier comments and for the legislative texts and other documents enclosed with its report. In particular, the Committee notes with satisfaction the coming into force on 1 July 1979 of the Act concerning equality of treatment between men and women, which prohibits the discriminatory treatment of a person in respect of remuneration on the grounds of sex (the term "discrimination" means any differentiation made to the detriment of the person concerned without material justification) and establishes an Equality of Treatment Committee to examine all questions concerning discrimination in respect of remuneration. The Committee would be grateful if in future the Government's reports would provide information on the application in practice of this Act and on the activities of the Equality of Treatment Committee and of its subcommittees set up under the Ordinance of the Federal Minister of Social Administration dated 26 June 1979.

The Committee further notes with interest that the Ministry of Social Administration is endeavouring to launch programmes in favour of women in large undertakings, proposing measures to improve the occupational situation and career opportunities of qualified women, and that, in the public service, working parties have been set up to study occupational structures and provide a better place in them for women, and the Committee would wish to be kept informed of further measures taken and results obtained.

It appears from the observations of the workers' organisations enclosed by the Government in its report that, since the coming into force of the Equality of Treatment Act, many collective agreements have been amended to ensure equal remuneration; that various other forms of inequality, relating in particular to family allowances and alimony, have been largely abolished and that a number of cases put before the Equality of Treatment Committee have been settled positively. The difference in earnings between men and women, however, has not been reduced and has even increased (according to the trade union representatives of the women workers) particularly in Vienna, owing to persistent discrimination by undertakings; moreover, women head the unemployed in all occupations, since they occupy an excessive proportion of the least stable jobs. The Committee would like to receive information on measures taken or under consideration with a view to facilitating the elimination of all forms of distinction or discrimination on the basis of sex that do not conform to the principles of the Convention.

Chad (ratification: 1966)

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

Following the discussions on the application of this Convention at the Conference Committee in 1979, the Committee notes with regret that it still has no replies to the points referred to in its previous observation and in its direct



requests repeatedly made since 1969. Therefore it urges the Government to supply full information as regards: (a) measures taken or contemplated to ensure in practice the promotion of equality in matters of training and employment opportunities of the various groups of the population distinguished by ethnic, racial or social origin, etc.; (b) the policy followed with a view to allowing women to benefit in practice from equality of opportunities in matters of vocational training and employment; (c) occupations from which women are excluded under article 9 of the Civil Service Regulations.

Chile (ratification: 1971)

The Committee takes notes of the information supplied by the Government to the Conference Committee in 1979 and the information contained in its report and has carefully studied the provisions of the Political Constitution of the Republic of Chile, as approved by Legislative Decree No. 3464 of 8 August 1980. It notes in particular, in connection with the statement of rights, that this guarantees, in a general way, equality of rights and opportunities and, more specifically, freedom to work, non-discrimination in employment and admission to public posts and appointments. On the other hand, with regard to the limitation of human rights, although the Constitution, as the report of the Government points out, does not deal with the propagation of doctrines contrary to established order, it does declare illegal or contrary to established order every act of a person or group intended to propagate certain doctrines, and in particular those advocating a conception of society, the State or legal order "of totalitarian character or based on class war" (section 8). The new provisions prescribe that persons on whom penalties have been inflicted by virtue of these provisions, under the supervision of the newly established Constitutional Court, shall be barred for a certain period (ten years) from access to public offices or appointments or shall automatically lose their employment, and that those barred shall include the directors of teaching establishments and teachers, trade union leaders, and also persons holding office in the field of information services. Having noted the argument submitted by the Government to the Conference Committee in 1979 to justify the adoption of these provisions and having regard to the fears expressed by the Conference Committee about the reference to the need to protect the State and institutions against "the enemies of democracy", the Committee is again led to express its concern in respect of the new constitutional provisions. These, in fact, show little difference from the former provisions, and may result in removing from the scope of the Constitution and the legal guarantees concerning discrimination in respect of employment those persons who express certain political opinions or ideas that do not conform to the views of the established authorities. The Committee hopes that the Government will take all the necessary steps when the new Constitution comes into effect to guarantee the full application of the Convention and to ensure the protection provided for against discrimination on the basis of political opinion, a protection that cannot be confined to mere differences of opinion or ideas within a system of established political principles. It would be grateful if the Government would provide all the relevant information in its next report.

Furthermore, the Committee notes from the information provided by the Government that Legislative Decree No. 2345 of 17 October 1978 relating to what is known as the policy of "debureaucratisation" was intended to rationalise the state administration and did not stand in the way of the general protection against discrimination provided for by the Constitution and the operation (in this respect) of the usual

channels of appeal. The Committee, however, having already expressed its concern about this text in its previous observation, shares the fears expressed by the Workers' and Employers' members of the Conference Committee in 1979 concerning the risk of arbitrary measures involved in the application of section 5 of the Decree in question. It points out that the Decree confers on the Head of State, on the initiative of the Minister of the Interior, discretionary power, for purposes of achieving the prescribed aim, to terminate the functions of any person employed in the administration and public undertakings, without taking into consideration any requirements of other legal provisions, in particular protection of administrative status based on Legislative Decree No. 338 of 1960. The Committee would therefore be grateful if the Government in its next report would provide further and more detailed information on the criteria applied and on the organisation of procedural and other guarantees necessary to ensure the observance of the Convention.

Lastly, with regard to the present situation of persons dismissed under the emergency measures that were in force between September 1973 and March 1975, the Committee notes in particular that, according to the Government's statements, as the persons concerned have been either reinstated or compensated or have found other employment in the private sector, the problem no longer arises in the country; no complaint, moreover, has been submitted to the authorities and the special appeals committee has therefore ceased to operate. The Committee regrets, however, that it has no more precise information at its disposal in the form of statistics or other documentation to enable it to determine the extent of the reinstatements that have been carried out or the actual conditions under which the persons concerned have been able to find employment in the private sector. It trusts that the Government will make every effort in its next report to provide information on this. Furthermore, noting the statement by the Government that it is always willing to reconsider the case of persons dismissed between 1973 and 1975, the Committee repeats its previous request for information on any measures taken to make this known at the national level, on any arrangements by means of which the persons concerned may apply for reconsideration of their cases and on the use made of these arrangements in practice.<sup>4</sup>

#### Czechoslovakia (ratification: 1964)

The Committee takes note of the Government's report and of the discussions that took place in the Conference Committee in 1980 on the matters raised in its previous observation, including the statements made by the Government representative during those discussions.

The Committee recalls that in its previous observation it stated its inability to accept as in conformity with the Convention dismissals such as those which had been the subject of the representation examined by the Governing Body in 1978, in connection with which that body did not consider the reply of the Government to be satisfactory and had decided, by virtue of article 25 of the Constitution of the ILO, that the representation and the reply should be published together with the report of the committee set up to consider the representation: see Official Bulletin, Volume LXI, 1978, series A, No. 3, Supplement. It had been found that dismissals and other measures had been taken on the grounds that the workers concerned had signed or supported a document

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<sup>4</sup> The Government is asked to supply full particulars to the conference at its 67th Session and to report in detail for the period ending 30 June 1981.

such as the manifesto known as "Charter 77" (reproduced in Appendix IV to the report of the Governing Body committee), and that the courts had confirmed the dismissals on the basis of a statement by the Public Prosecutor of the Republic of 31 March 1977, who had considered that the declaration known as "Charter 77" was in itself a potential danger to the socialist and state system of the Republic. It did not appear that signing or adhering to such a document by workers could in itself justify any derogation from the basic protection provided for by the Convention in respect of political opinion, or, in particular, that the document had contained an appeal to associate with a view to committing activities against public order. The measures authorised by the Convention in connection with the security of the State or the requirements of certain jobs should not be applied in a way to bring them into conflict with the basic protection provided against discrimination in respect of employment on the grounds of political opinion. The Committee recalled that it had requested the Government to indicate the measures taken or under consideration to ensure that all sanctions previously imposed for reasons incompatible with the protection provided for by the Convention be duly reconsidered in the light of its requirements. In view of the information given by the Government in 1979 on the situation of the persons concerned, the Committee pointed out that it remained necessary to obtain additional relevant information on the measures taken or under consideration.

The Committee notes that the statements of the Government representative in 1980 and in the subsequent report reaffirm the point of view of the Government concerning the conformity of the Labour Code and its interpretations with the Convention, as well as the character of the above-mentioned document and the justification of the dismissals. They also affirm that the decisions have not been taken only because the persons signed the document in question but also because of their activities; that the grounds stated in the letters of dismissal did not always fully correspond to the considerations taken into account; that the courts had based their findings not only on these letters and on the opinion of the Public Prosecutor but also on evidence of their activities and that it was impossible to say that these decisions were unjust without fully knowing the court proceedings; lastly, there were several other versions of the document mentioned above that were more serious. According to these statements there were no reasons for reconsidering the cases of the persons dismissed under these circumstances.

The Committee notes that these statements refer to the existence of legal proceedings and versions of the above-mentioned document other than those that have come to its knowledge through the documents examined by the Governing Body committee. While noting that the Government recalls the possibility of appeal provided for by section 64 of the Labour Code, the Committee requests the Government to provide more detailed information on the investigations carried out following such appeals, the grounds taken into consideration and decisions reached, in the light of what is stated above.

Generally, the Committee hoped that the Government would take all suitable measures to guarantee more effectively that the provisions of national laws might not be applied for reasons incompatible with the protection laid down by the Convention with regard to the elimination of discrimination on the basis of political opinion. It has taken note of the information given by the Government concerning, among other things, measures to be taken by the President of the Supreme Court, of which the competent Committees of the Federal Assembly were to be informed in 1979. The statements by the Government representative in 1980 have shown that various measures have been taken to provide judicial and other bodies with information on the Convention and that

the subsequent report of the Government has added that the report of the President of the Supreme Court has been submitted to the Committees of the Federal Assembly, which have taken note of it. The Committee therefore hopes that the Government will now be able to provide more detailed information on the measures taken in the matter, particularly on the reports and decisions that may have been adopted to specify the conditions governing the interpretation and application of the legislation in a way conforming to the Convention.<sup>a</sup>

Federal Republic of Germany (ratification: 1961)

The Committee takes note with satisfaction, from the report presented by the Government, of the coming into force on 13 August 1980 of the Act concerning equality of treatment for men and women at the workplace, which provides, in particular, that an employer shall not practice discrimination against a worker on the basis of sex in respect of recruitment, promotion or dismissal or when he gives instructions and that it is prohibited to agree on remuneration lower than that received by a worker of the opposite sex for equal work or work of equal value. The Committee would be grateful to receive information on the practical application of the above-mentioned Act.

The Committee takes note of the observations presented by the World Federation of Trade Unions (WFTU) following the decision of the Governing Body in November 1979 to conclude the representation procedure instituted under article 24 of the Constitution. In its observations, the WFTU, after evaluating the decision of the Governing Body and finding that it brought no final settlement either to the basic problem or to the individual cases submitted in support of the representation, states that the whole question must be examined again. According to the WFTU, the notion of hostility to the Constitution, as defined by the authorities and courts, is itself in conflict with the Convention, and the decrees of the Government regulating the procedure for the verification of loyalty have not changed the substance of the decision by the Constitutional Court, which leaves wide discretion not only to the recruiting authority but also to the judiciary. The WFTU maintains that the previous practices have continued since 1 April 1979, when the new decree concerning procedure came into force and have affected more than 30 persons, including some occupying subordinate posts in the postal services and federal railways.

In addition, the Committee also takes note of the information provided by the Government in its report and in its comments on the observations of the WFTU, in which it reasserts its position of principle on non-discrimination as to access to the public service on the ground of political opinion and on the present conformity, in law and in fact, with the provisions of the Convention, including Article 1, paragraphs 2 and 4. The Government states that the rules governing the verification of loyalty to the Constitution, whose criteria have been laid down by the Constitutional Court, apply in the same way both in the federal administration and in the Länder, although the provisions governing procedure may vary in form. The Committee also notes that the Government, after restating the guarantees provided by the new decree of 1979, in particular the ending of the systematic nature of inquiries in the federal administration, states that a number of Länder have adopted similar rules for the verification procedure (Berlin, Hamburg, Hessen, North Rhine-Westphalia) and that others have abandoned routine inquiries (Bremen, Lower Saxony, Saarland).

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<sup>a</sup> The Government is asked to report in detail for the period ending 30 June 1981.

The Committee, however, notes that the Government indicates in its report that it was not able to obtain detailed knowledge of the effects of the new version of the rules governing the procedure for the verification of loyalty to the Constitution, because of the federal structure of the country. The report of the Government thus does not contain data covering important elements in reply to the questions raised by the Committee in its previous observation, namely whether the new rules for the verification of loyalty protect the necessary guarantees and limit investigation to special cases in which there are serious and justified doubts regarding the reliability or responsible conduct that may be expected from applicants for employment in the public service, with particular reference to the nature of the posts they are to occupy. The Committee trusts that the Government in its next report will provide detailed information on the practical application of the new rules and on changes in the situation in the Länder and also on any measures that the federal authorities may have taken or have under consideration in the matter, regard being had to the principles of the Convention. Furthermore, the Committee would be grateful if the Government would supply information on the investigations carried out, the grounds taken into consideration and the decisions reached in cases of exclusion from the public service that have occurred since April 1979, in the light of what is stated above.<sup>4</sup>

Guinea (ratification: 1960)

The Committee refers to its general observation and expresses the hope that the direct contacts requested by the Government will lead to the solution of the point raised in its previous comments, thus ensuring the elimination of any discrimination in employment, within the meaning of the Convention, based on political opinions.

Malta (ratification: 1968)

Further to its previous comments, the Committee notes with satisfaction, from the information provided in the Government's report, that it was decided that female employees in the public sector shall no longer be required to resign on marriage (if they opt to resign, however, they shall continue to be entitled to a gratuity, if they had already been eligible for it) and that this decision has been implemented by OPM Circular 103/80 issued by the Administrative Secretary to Heads of Departments on 31 December 1980.

The Committee notes with interest that it is the Government's intention to introduce legislation for the grant of maternity leave to women who are in employment as from 1 January 1981. The Committee hopes to be kept informed of further developments as regards the promotion of equality of opportunity and treatment in employment for both sexes.

Portugal (ratification: 1959)

The Committee notes with satisfaction, from the information communicated by the Government, that Legislative Decree No. 392/79 was adopted on 20 September 1979 for the purpose of guaranteeing effective equality of both sexes, in particular, by establishing the Commission

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

for Equality in Work and Employment. The Committee would be grateful if the Government would provide in its next report information on practical measures taken or under consideration in this context and the results achieved in promoting more equitable participation of women in employment at all levels.

Sierra Leone (ratification: 1966)

The Committee regrets that the Government's report once again states that no national policy has been declared in accordance with the Convention and does not contain information in reply to its earlier comments.

Having noted from previous reports that consideration was being given to the enactment of legislation giving effect to the provisions of the Convention (Article 3(b)), the Committee hopes that the Government will be able to supply in its next report information on further action taken in this connection.

Having also noted with interest the information supplied in a previous report concerning action taken and contemplated to give effect to the recommendations contained in the study on education, training and employment opportunities for women prepared by a research team appointed by the Sierra Leone National Commission for UNESCO with a view to providing girls and women with wider access to technical and scientific studies, careers and employment, the Committee hopes that the Government will be able to include in its next report information on further developments and results achieved in this respect.

Spain (ratification: 1964)

The Committee notes the information provided in reply to its previous comments. In particular, it notes with satisfaction the provisions of the Workers' Statute of 10 March 1980, which lay down that workers are entitled to protection against discrimination in respect of recruitment or employment on the basis of sex, marital status, age within the limits laid down by the Statute, race, social status, religious or political convictions, membership or non-membership of a trade union, or language, throughout the territory of Spain (section 4, subsection 2(c)); that regulations, clauses in collective agreements, individual agreements and unilateral decisions by employers shall be considered null and void where they contain discrimination against a worker on the basis of his age or discrimination in favour of or against him in respect of employment, remuneration, hours of work or other conditions of employment on the basis of sex, origin, social status, religious or political convictions, membership or non-membership of a trade union, the acceptance or rejection of trade union decisions, family links with other workers in the undertaking, or language, throughout the territory of Spain (section 17, subsection 1); and that the employer shall be obliged to pay equal wages for work of equal value in respect both of the basic wage and of the wage supplements, without any discrimination on the basis of sex (section 28).

Furthermore, the Committee notes that the necessity of revising the Decree of 26 July 1957 on industries and work prohibited to women may be considered in the light of sections 4 and 17 of the above-mentioned Statute, in cases where certain provisions of the Decree go beyond the reasonable aims of protection. It hopes that the Government in its next report will indicate any measures taken to carry out this re-examination in the light of scientific and technical developments



and with a view to guaranteeing to women and to men equality of opportunity and treatment in respect of access to the various sectors of employment and to the various occupations at all levels.

Yugoslavia (ratification: 1961)

The Committee takes note with interest of the detailed information provided by the Government in its report. It thanks the Government for having supplied texts of the amendments introduced in 1980 to certain laws of the Republics and Provinces, in the fields of education and justice, in order to eliminate the reference to "moral and political suitability" as a condition for holding certain employment, reference which was deemed to be unconstitutional by a meeting of the Presidents of the Constitutional Courts on 19 December 1979. It notes that other similar amendments are in progress and it hopes to receive full information on these with the next report. Nevertheless, the advertisements appearing in the press for jobs in self-management enterprises show that the condition of "moral and political suitability" has continued to be mentioned frequently despite this being deemed to be unconstitutional. The Committee would therefore be grateful if the Government would indicate any measures taken or under consideration to ensure that this formula is no longer used in practice by these undertakings.

The Committee notes that most of the new legislative provisions resulting from the above-mentioned amendments prescribe an evaluation of the social and over-all behaviour of candidates in relation to the implementation of the aims and duties provided for by law or to the achievement of the aims of a self-management socialist society. It would be grateful if the Government would indicate, in the light of practical application and all administrative instructions and court decisions in this field, the interpretation that is given to these conditions in order to make sure that political opinion is not taken into consideration in this connection in a manner incompatible with the terms of the Convention.

There are also legal provisions, such as those of section 98 of the Law on Higher Education of Serbia, that authorise the suspension of persons who "cause damage to social interests". The amendments to the Law introduced in 1980 have left this provision in force and have increased its effect by providing for the full termination of the employment relation after two years of suspension and by making such termination applicable to persons suspended under the old provision. The Committee would be grateful if the Government would state on this point too, and in the light of practical application and all administrative instructions and court decisions in this field, what measures are adopted to ensure that political opinion is not unduly taken into consideration in connection with provisions of this type.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Angola, Australia, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Bulgaria, Chad, Cyprus, Dominican Republic, Egypt, Finland, Gabon, German Democratic Republic, Ghana, Guyana, Haiti, Hungary, Iceland, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Liberia, Libyan Arab Jamahiriya, Mali, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Norway, Pakistan, Philippines, Poland, Qatar, Romania, Somalia, Sudan, Switzerland, Trinidad and Tobago, Turkey, USSR, Yemen.

Information supplied by Ethiopia, Honduras, Italy, Mexico and Venezuela in answer to a direct request has been noted by the Committee.

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

#### Guinea (ratification: 1960)

With reference to its earlier comments, the Committee notes with satisfaction that section 16 of Order No. 224/MT of 15 June 1980 prohibits the employment of children under the age of 15 years on board fishing vessels (Article 2, paragraph 1, of the Convention).

#### Liberia (ratification: 1960)

The Committee has pointed out in its previous observations that section 326 of the Maritime Law, which lays down a minimum age, applies only to vessels engaged in foreign trade and that section 74 of the Labour Law, which prohibits the employment of children under 16 years of age during the hours when they are required to attend school, do not ensure that children under 15 years of age shall not be employed for work on board fishing vessels, in accordance with Article 2, paragraph 1, of the Convention.

The Government again states that the provisions of the Convention are incorporated in the proposed new Labour Law, to which it has been referring since 1968. The Committee trusts that the necessary provisions will be adopted very shortly.<sup>4</sup>

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

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

#### Costa Rica (ratification: 1964)

The Committee notes with satisfaction that, following the direct contacts held between the competent national services and a representative of the Director-General of the ILO, Decree No. 11325-TSS of 20 March 1980 gives effect to Article 3 of the Convention.

#### Guatemala (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts held in 1975 and 1979 between the competent national services and a representative of the Director-General of the ILO, Decree No. 9-80 of 9 May 1980 gives effect to Articles 1 to 4 of the Convention.

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



Guinea (ratification: 1960)

The Committee refers to its general observation and hopes that the direct contacts requested by the Government will make it possible to solve the questions raised in its earlier comments on the adoption of a draft order respecting conditions of engagement of fishermen that should give effect to the Convention.

Liberia (ratification: 1960)

The Committee has pointed out in its previous observations that section 336(3) (d) of the Maritime Law, as amended, which provides that a seaman shall not be entitled to sickness or injury benefit if at the time of his engagement he refused to be medically examined, does not ensure the medical examination of persons to be employed on board fishing vessels, in accordance with Articles 2 to 5 of the Convention. Moreover, under section 290(2) (a), even the above provisions do not apply to vessels under 75 net tons.

The Government again states in its report that the provisions of the Convention will be applied by the proposed new Labour Law, to which it has been referring for several years. The Committee trusts that the necessary provisions will be adopted very shortly.<sup>1</sup>

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

**Convention No. 114: Fishermen's Articles of Agreement, 1959**Costa Rica (ratification: 1964)

The Committee notes with satisfaction that, following the direct contacts held between the competent national services and a representative of the Director-General of the ILO, Decree No. 11325-TSS of 20 March 1980 gives effect to Articles 3, 5, 10 and 11 of the Convention.

Guatemala (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts held in 1975 and 1979 between the competent national services and a representative of the Director-General of the ILO, Government Decision No. 10-80 of 9 May 1980 gives effect to the provisions of the Convention.

Guinea (ratification: 1960)

The Committee refers to its general observation and hopes that the direct contacts asked for by the Government will make it possible to settle the questions raised in its earlier comments on the adoption  
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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1981.

of a draft order in respect of the conditions of engagement of fishermen which will give effect to the Convention (in particular Articles 4, 10 and 11).

Liberia (ratification: 1960)

In the comments that it has been making for several years, the Committee has pointed out that the Maritime Law is far from sufficient to ensure the application of the Convention. The Government again states in its report that effect will be given to the provisions of the Convention by the new Labour Law. The Committee trusts that the text in question, to which the Government has been referring for some years, will be adopted in the very near future.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Cyprus, Ecuador, Peru, Uruguay.

**Convention No. 115: Radiation Protection, 1960**

Requests regarding certain points are being addressed directly to the following States: Argentina, Guinea, Guyana, India.

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

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 7, 10, 13 and 15 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Central African Republic, Ghana, Jamaica.

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

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

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**Ecuador** (ratification: 1970)

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

**Guinea** (ratification: 1967)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Article 4, paragraph 1, and Articles 5, 6, 7 and 8 of the Convention.

**Libyan Arab Jamahiriya** (ratification: 1975)

The Committee regrets to note that, for the third time in succession, the Government has provided no report and that it has therefore no information on the points raised in its previous comments. It is thus obliged to repeat these points in a new direct request, hoping that the Government will not fail to provide a report for examination at its next session with the information requested.

**Suriname** (ratification: 1976)

Articles 4 and 5 of the Convention - Branch (g) (employment injury benefit). The Committee notes that the amendment to section 6, subsection 8, of Decree No. 145 of 1947, as amended by Ordinance No. 164(d) of 1975, is under consideration with a view to ensuring the conformity of that provision with the Convention, which allows no restriction on payment of pensions where the beneficiary, whether a national of the country or a national of another State that has accepted the obligations of the Convention for this branch, transfers his residence outside the territory. The Committee would be grateful if the Government, in its next report, would indicate any progress made in this matter and provide information on the application of the Convention in practice.

**Syrian Arab Republic** (ratification: 1963)

Article 5 of the Convention. The Committee has studied the information supplied by the Government to the Conference at the 66th Session in June 1980 in reply to its earlier observations and also the Bill to amend section 94 of the Social Insurance Act, No. 92 of 1959, as already amended.

The Committee would like to call attention to the following points arising out of the above provision of the Convention, which do not seem to have been taken into consideration in the Bill in question: (a) under the Convention, States that - like the Syrian Arab Republic - have ratified the Convention for the branches of invalidity benefit, old-age benefit, survivors' benefit and employment injury benefit are obliged to provide the benefits due under these branches (and also

death grants) to their own nationals when resident abroad, whatever the country of residence; (b) these States are also obliged to pay the above benefits to beneficiaries residing abroad who are nationals of any other State that has accepted the obligations of the Convention for the same branches, whatever the territory of residence; (c) the Convention also applies to refugees and stateless persons without any condition of reciprocity under Article 10.

The Committee hopes that the Government will be able to take the above-mentioned points into account and amend the bill accordingly. It also hopes that the amended Bill will be adopted in the very near future in order to ensure the full application of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Ecuador, Jordan, Libyan Arab Jamahiriya, Mexico, Tunisia, Turkey, Zaire.

### Convention No. 119: Guarding of Machinery, 1963

#### Central African Republic (ratification: 1964)

The Committee notes that following the direct contacts that took place in May 1980 the Government has drawn up a draft decree to ensure the application of Articles, 2, 10, paragraph 1, and 11 of the Convention.

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

#### Congo (ratification: 1964)

The Committee notes that a draft ministerial order is being drawn up to specify the dangerous machinery and parts of machinery coming under section 135 of the Labour Code, which prohibits the offering for sale, the sale, the hire or the use of dangerous machinery or parts of machinery without appropriate guards. The Committee hopes that a text will be adopted in the near future to give effect to Article 2 of the Convention.<sup>2</sup>

#### Guatemala (ratification: 1964)

In previous observations, the Committee has drawn attention to the need to adopt provisions to give effect to Part II of the Convention. In its latest report, the Government refers to section 6 of the General Health and Safety Regulations as ensuring the application of the Convention. This provision, under which owners of

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

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1982.

undertakings are prohibited from installing or operating unguarded machinery, ensures the application of Part III of the Convention (prohibition of the use of machinery without appropriate guards) but not of Part II under which the sale, hire, transfer in any other manner and exhibition of unguarded machinery must be prohibited (Article 2) and the obligation to ensure compliance with this prohibition must rest on the vendor, person letting out on hire or transferring or the exhibitor of machinery (Article 4). The Committee trusts therefore that the Government will take steps to ensure the application of these essential provisions of the Convention.

The Committee also again requests the Government to provide the information requested by Point V of the report form (inspection activities, the number of contraventions reported and the number, nature and causes of accidents reported).<sup>4</sup>

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 11 and 17 of the Convention.

Jordan (ratification: 1964)

The Committee has noted in its earlier observations that there are no explicit provisions concerning the sale, hire, transfer in any other manner and exhibition of machinery, as required by Part II of the Convention. The Committee notes that the Government will submit a detailed report when the Labour Bill has become law.

The Committee trusts that this text will ensure the full application of the Convention and that it will be promulgated in the near future.<sup>4</sup>

Madagascar (ratification: 1964)

Articles 2 to 4 of the Convention. The Committee observes once more that the Order concerning the prohibition of the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards, to which the Government has referred in its previous reports, has not yet been adopted. The Committee trusts that this Order will be issued shortly and that it will ensure the application of these provisions of the Convention, more particularly the requirements regarding the hire, transfer in any other manner and exhibition of such machinery.

Niger (ratification: 1964)

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

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<sup>4</sup> The Government is asked to report in detail for the period ending 30 June 1982.

The Committee notes that no measures have yet been taken to give effect to Articles 2 to 4 of the Convention (prohibition of the sale, hire, transfer and exhibition of machinery without appropriate guards), Article 10 (information and instructions to be given to workers) and Article 11 (prohibiting the use of machinery without the guards being in position and operative). It notes further that the legislation on the guarding of machinery (General Order No. 5253 of 19 July 1954) does not appear to apply to machinery in agriculture as required by Article 17.

The Committee also notes that a PIACT mission visited the country in December 1977 in order to study needs in the occupational safety and health field, that the Government still intends to replace existing provisions in this field by a single comprehensive text, and that it hopes to receive ILO assistance to this end.

The Committee can only once again express the hope that measures will be introduced shortly to give effect to the provisions of the Convention mentioned above.<sup>1</sup>

#### Paraguay (ratification: 1967)

The Committee notes with satisfaction that effect has been given to various provisions of the Convention concerning the use of machinery (Articles 1, 2, paragraphs 3 and 4, 3 and 6 to 17) through the adoption of Resolutions Nos. 649 and 650 of 2 May 1980.

#### Sierra Leone (ratification: 1964)

The Committee once again recalls that, pending the adoption of Rules under the Factories Act 1974, the guarding of machinery is governed by the Machinery (Safe Working and Inspection) Act and Rules, which however do not give effect to Part II of the Convention (sale, hire, transfer in any other manner and exhibition of unguarded machinery); nor do they apply to road and rail vehicles or to shipping, whereas Article 17 requires that the Convention be applied in all branches of economic activity.

In previous reports, the Government indicated that effect would be given to all the provisions of the Convention by Rules to be issued under the Factories Act 1974. In its last two reports, the Government refers to a draft proposal for a new Factories Act which will include the requirements of the Convention and apply to all areas of economic activity including road and rail vehicles, agricultural machinery, mines and shipping.

The Committee trusts that provisions will be adopted soon to give effect to all the substantive requirements of the Convention and that these provisions will apply to all branches of economic activity.<sup>2</sup>

#### Spain (ratification: 1971)

The Committee notes that no express provisions have yet been adopted to give effect to Articles 2 and 4 of the Convention, but that

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

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1982.

the Government states that their terms have been incorporated into national law as a result of ratification and publication in the Official Bulletin. In order to ensure that the prohibition prescribed by these Articles of the Convention is effective, certain additional measures would appear to be necessary. In particular, Article 2, paragraphs 2, 3 and 4, require the competent national authority to determine the precise extent to which their provisions shall apply, and Article 4 lays an obligation on the agents of the vendor, hirer, exhibitor, etc. "where appropriate under national laws or regulations". Finally, the obligations imposed by virtue of Articles 2 and 4 of the Convention can only be effectively enforced if appropriate penalties for non-compliance are prescribed by national laws or regulations in accordance with Article 15, paragraph 1 and if appropriate inspection services for ensuring their application exist in accordance with Article 15, paragraph 2.

The Committee therefore notes with interest that it is the Government's intention to adopt supplementary provisions to ensure the application of Articles 2 and 4 of the Convention, and hopes that they will take account of the points mentioned above.<sup>4</sup>

Tunisia (ratification: 1970)

The Committee notes with interest that the draft Order of which it has received the text lays down a list of machines and parts of machines that cannot be used, offered for sale, sold or hired without guards. It hopes that the text will be adopted in the near future and ensure the application of Articles 2 and 6 of the Convention.<sup>4</sup>

Turkey (ratification: 1967)

Part II of the Convention. The Committee notes that, according to the Government, Circular No. 1978/20 of 12 July 1978 issued by the Prime Minister is a mandatory instrument, enforceable by sanctions, and hence suffices to give effect to Part II of the Convention.

As has already been noted by the Committee, this circular instructs the Ministry of Industry and Technology to take measures to prevent, inter alia, the sale, hire, transfer or exhibition of machinery which is not in conformity with standards to be fixed by this Ministry in collaboration with the Ministry of Labour and the Turkish Institute of Standardisation. In order for effect to be given to Part II of the Convention on the basis of this circular, which in itself is mandatory only for ministries to which it is addressed, it accordingly appears necessary that the Ministry of Industry and Technology should (a) fix standards prescribing the guards to be provided for machinery in accordance with Article 2, paragraphs 3 and 4, of the Convention; and (b) take measures to impose an obligation on persons selling, letting out on hire, transferring or exhibiting machinery to ensure that the machinery complies with the prescribed standards, and to lay down penalties for failure to do so, in accordance with Articles 4 and 15 of the Convention. The Committee therefore trusts that the Government will provide information on the measures taken or contemplated to ensure that Circular No. 1978/20 is effectively

<sup>4</sup> The Government is asked to report in detail for the period ending 30 June 1982.

implemented so as to give effect to Part II of the Convention. The Committee further requests the Government to provide copies of the reports on the application of the Circular which, under paragraph 7 of the Circular, the institutions it is addressed to are required to send to the Prime Minister's Office twice yearly.

Article 10, paragraph 1. The Committee again expresses the hope that the Government will introduce into the legislation an express obligation on the employer to bring the laws and regulations relating to the guarding of machinery to the notice of workers and to instruct them in the dangers arising and precautions to be observed.

Article 17. The Government states that the above-mentioned circular, dealing with the sale, hire, etc. of machinery, applies to agriculture and to sea and air transport. However, the provisions of the Labour Code and the Safety and Health Regulations relating to the use of machinery do not so apply. The Committee therefore once again requests the Government to take the necessary measures to apply Part III of the Convention to machinery in agriculture and in sea and air transport.<sup>1</sup>

#### Zaire (ratification: 1967)

The Committee notes once again that legislation to give effect to the following provisions of the Convention has not yet been adopted.

Articles 2 to 4 of the Convention. The Committee takes note of the information to the effect that a draft Order will shortly be submitted for the opinion of the National Labour Council. The Committee trusts that this text will be adopted in the near future and asks the Government to provide a copy as soon as it is adopted.

Article 17, in relation to Article 1, paragraph 3. The Government states that the above-mentioned draft Order will apply to all sectors of the economy, including agriculture. Although this draft would ensure the application of the Convention in respect of the sale, hire, transfer in any other manner and exhibition of machinery, the national provisions ensuring the application of Part III of the Convention regarding the use of machinery are contained in Order No. 0057/71 of 20 December 1971, which does not apply to agriculture. The Committee therefore expresses the hope once more that measures will also be taken to ensure the application of Part III of the Convention to agriculture.<sup>2</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Cyprus, Dominican Republic, Kuwait, Malaysia, Morocco, Panama, Paraguay, Sierra Leone, Syrian Arab Republic, Uruguay.

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

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1982.



**Convention No. 120: Hygiene (Commerce and Offices), 1964**Costa Rica (ratification: 1966)

The Committee notes with satisfaction that, following the direct contacts that have taken place between the competent national services and a representative of the Director-General of the ILO, regulations have been issued to control noise and vibrations (Decree No. 10541-TSS of 14 September 1979) and that the general regulations on occupational safety and health have been amended by Decree No. 11429-TSS of 30 April 1980 so as to ensure the application of Article 18 of the Convention.

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 6, paragraphs 2, 14 and 18 of the Convention.

Paraguay (ratification: 1967)

The Committee has examined Resolution No. 700 of 24 July 1979, which the Government has sent with its report and which governs certain technical aspects of safety and health. The Committee notes that this text ensures a fuller application of certain provisions of the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, particularly those concerning the provision of washing facilities, sanitary conveniences and cloakrooms and also the supply of drinking water, but it observes that the text does not give effect to Articles 10 (temperature of the premises) and 18 (reduction of noise and vibrations) of the Convention, which have been the subject of its earlier comments. The Committee is thus obliged to call the attention of the Government again to the need to adopt regulations - such as the regulations on occupational safety and health mentioned by the Government in its earlier reports - to supplement the general provisions of the Labour Code in order to guarantee the application of the above-mentioned Articles of the Convention and, in accordance with Article 4(b), to give such effect as may be possible and desirable under national conditions to the Hygiene (Commerce and Offices) Recommendation, 1964.

Switzerland (ratification: 1966)

The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1980 and included in the last report. It notes, in particular, that Ordinance No. 3 respecting hygiene and the prevention of accidents in industrial undertakings will be amended and declared to be applicable to non-industrial undertakings, when the new compulsory accident insurance legislation comes into force. It also notes that, pending the coming into force of the new legislation, a directive to establish a clearer system of accident prevention and hygiene in non-industrial undertakings will be circulated to the cantonal offices responsible for giving effect to the Labour Act.

The Committee trusts that the proposed legislation will be adopted shortly and that, in accordance with Article 4 of the Convention, it will ensure the application of the general principles

set forth in Part II of the Convention, and will give effect, so far as possible, to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964.

Zaire (ratification: 1967)

With reference to its earlier comments, the Committee notes with satisfaction that Departmental Order No. 70/77 of 5 May 1977 has supplemented Order No. 0013 of 4 August 1972 respecting hygiene at the workplace so as to provide for suitable washing facilities and seats for workers of both sexes, in accordance with Articles 13 and 14 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, Djibouti, Ecuador, Guatemala, Jordan, Madagascar, Mexico, Paraguay, Senegal, Spain, Sweden, Venezuela.

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

**Convention No. 121: Employment Injury Benefits, 1964**

Guinea (ratification: 1967)

The Committee notes from the Government's report that provisions to ensure the application of the Convention will be introduced on the occasion of the revision of the Social Security Code which is currently under way and that directives will be issued to ensure that the Convention is applied in practice from now on.

The Committee refers moreover to its general observation and expresses the hope that the direct contacts requested by the Government will assist it, in the context of the revised Social Security Code, in resolving the problems raised in its previous comments concerning the application of Articles 4; 8; 15, paragraph 1; 18, paragraph 1; 19; 20; 21; 22, paragraph 2; 23; 25 of the Convention.

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

**Convention No. 122: Employment Policy, 1964**

It is important that the Committee should have at its disposal for each reporting period (in so far as they are available), full statistical data relating to the size and distribution of the labour force by age, sex, occupational group, qualifications, regions and economic sectors, and of the volume of productive employment in the different economic sectors, regions and occupational groups, so as to enable it to monitor trends in employment and unemployment from one

reporting period to another. The Committee requests governments to make every effort to supply similarly presented statistical data on the above subjects with each future report.

As is pointed out on the report form on the Convention, many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour matters, so that the preparation of a full report on the Convention may require consultations with the other ministries or government agencies concerned, such as those responsible for planning, economic affairs and statistics. The Committee requests governments to bear this in mind when preparing their next reports.

Belgium (ratification: 1969)

The Committee notes that, in 1979, 10.9 per cent of the workers insured against unemployment were wholly unemployed, and that unemployment increased during 1980. According to the Government the growth in unemployment among men is principally due to the irreversible decline in industrial employment whereas in the case of women it is the result of demographic factors and an increasing participation rate. The Government states moreover that it is clear from the economic growth prospects that there is no effective short-term solution to the unemployment problem, and that its employment policy is at present concentrating on measures to encourage the division of the work that is available among a greater number of persons.

The Committee notes that the measures being implemented to this end include a scheme for employment by the public authorities, a special temporary workforce scheme, a scheme for providing training within undertakings for young jobseekers, different forms of early retirement and a scheme to encourage a reduction in working hours accompanied by the engagement of additional workers; these measures have had a significant impact in limiting the numbers of unemployed.

However, the Committee notes that the Government provides no information on the measures which it envisages, in the face of the continuing decline of important sectors of industry, for the promotion, on a long-term basis, of new, productive employment opportunities through an appropriate restructuring of the national economy. It hopes that in its next report the Government will be able to provide information on further measures aimed at promoting the major goal, laid down by the Convention, of ensuring that there is work for all who are available for and seeking work.

Canada (ratification: 1966)

The Committee notes with interest the detailed information in the report on the measures being taken to implement the Government's employment policy, and the reduction in the rate of unemployment from 8.4 per cent of the labour force in 1978 to 7.5 per cent in 1979, the rate for the first eight months of 1980 being 7.8 per cent.

The Committee notes further the view of the Economic Council of Canada and of the Bank of Canada, that, as a result of structural changes in the labour force, there has been an apparent upward shift in the unemployment rate which can be maintained without creating inflationary pressure in the labour market ("equilibrium" unemployment rate), so that a reassessment of employment policy objectives has become necessary. It notes therefore with interest the establishment

in June 1980 of three task forces to evaluate the continuing adequacy and appropriateness of existing manpower programmes, which will permit a broad critical examination of employment policy to be carried out. In view of the indication in the Economic Council of Canada's Sixteenth Economic Review that the "equilibrium" unemployment rate for the mid-1970s appeared to be of the order of 6 per cent, the Committee hopes that, as indicated in the Government's report, this examination will answer the question of whether a major strategical change is required having regard to the Convention's goal of ensuring that there is work for all who are available for and seeking work.

Chile (ratification: 1968)

By a letter to the ILO dated 23 June 1980 the World Confederation of Labour (WCL) communicated certain observations on the application of the Convention in Chile. It referred in particular to the adoption of the "Minimum Employment Programme" (MEP) under which unemployed workers work for a remuneration less than half of the minimum wage, and stated that between 4 and 5 per cent of the labour force were induced, by extreme poverty and high levels of unemployment (13 per cent of the labour force according to government statistics) to accept work under the MEP. The WCL added that, whereas initially work under the MEP was provided by the State and the local authorities, workers are being increasingly engaged in productive enterprises under this system. It requested that the Committee examine the compatibility of the MEP with the obligations under the Convention.

In response to these observations the Government states that the MEP was introduced in March 1975 as a form of unemployment assistance and was initially limited to heads of family. It indicates, however, that it has acquired a broader dimension, since it now offers unlimited vacancies and is open to all persons over 18 years of age. The Government agrees that participants in the MEP are paid less than half the national minimum wage but states that they receive other benefits, in particular basic education and training, which if quantified would bring their income close to the minimum wage. It adds that the remuneration is kept below this minimum to act as an incentive to seek regular employment. It is not considered to be a wage but a direct fiscal subsidy, and the MEP is designed as a temporary social and labour programme whose objective is to provide relief to the unemployed and assist them in transferring to regular employment: participants in the MEP are given priority in seeking employment through the municipal employment offices. There has, moreover, been a reduction in the numbers of workers engaged under the MEP from 6 per cent of the labour force in 1977, to 4.4 per cent in 1978 and 3.9 per cent in 1979.

From the information available to the Committee it appears that, when the MEP was introduced in 1975, workers engaged under it were to receive one-third of the minimum wage for 15 hours work a week, corresponding to 83 per cent of the minimum wage, and to be occupied for a maximum of 90 days at a time, but that, in practice, from the outset they worked full time and for unlimited periods; in addition to receiving less than half the minimum wage, participants in the MEP benefit from neither the social security scheme nor from paid leave.

It thus appears to the Committee that workers under the MEP, who are not engaged under a contract of employment and who, in place of a wage, receive payment in the form of an unemployment subsidy, cannot be considered as in productive and freely chosen employment within the meaning of the Convention.

Moreover, the role of the MEP must be seen in the context of the over-all level of unemployment which, according to the figures in the

Government's report, was 13.4 per cent of the labour force in 1978 and 13.5 per cent in 1979. If the numbers of workers engaged under the MEP are added to those of the totally unemployed, the unemployment rate reaches 17.8 per cent in 1978 and 17.4 per cent in 1979.

However, the Government states in its report that preliminary figures for 1980 provide an indication that the measures taken in the fields of economic policy and employment policy are beginning to have an impact on unemployment. Thus, the figures for March 1980 show a level of unemployment of 12 per cent and those for the third quarter of 1980 in Greater Santiago a level of 11.2 per cent (not including workers under the MEP). The Government adds that its economic and social development strategy is designed to achieve in the long term a lower unemployment rate than has been traditional in Chile and that it hopes that 1 million new jobs will be created over the next 10 years.

The Committee notes that the level of unemployment is still very high, and that the Government's employment objectives are couched in very general terms. The Committee would emphasise that under the Convention governments are required to pursue, as a major goal, a policy aimed at ensuring that there is work for all who are available for and seeking work, and that such a policy should extend not only to those who are unemployed but also to those who are at present working in the framework of the Minimum Employment Programme. It requests the Government to indicate the manner in which its economic and social policy objectives take account of this goal of the Convention, and to provide particulars of progress towards its realisation, including the information referred to in a direct request which the Committee is addressing to the Government.

#### Cuba (ratification: 1971)

The Committee notes with regret that the Government's report merely refers to its previous reports on the Convention, and that in reply to the Committee's direct request it states that the studies and inquiries which have been carried out on employment matters have not been published and are not available. Since the Government's report for 1976-78 was limited to a description of the administrative structure of the competent state organs, the Government has supplied no information since its report for 1974-76 on its employment policy or on the employment situation in the country.

The Committee therefore again requests the Government to provide a full report on the measures taken, during the period covered by the report, in pursuit of the Government's employment policy, on the basis of the report form approved by the Governing Body.

#### Finland (ratification: 1968)

The Committee notes with interest the detailed report and the information submitted in reply to its previous direct request.

The Committee notes that the Finnish Employers' Confederation and the Central Organisation of Finnish Trade Unions have expressed the view that the principle of consulting employers and workers concerning employment policies, laid down by Article 3 of the Convention, is not fully applied. The Government indicates that these organisations can influence decisions and proposals through their participation in the Manpower Council, the Council for Vocational Guidance and a number of national and local advisory bodies dealing with vocational training, employment questions and employment exchanges. However, both

organisations state that the Manpower Council has not met since 1976 and refer to problems in the work of the existing advisory bodies in the labour market field, whose unanimous views have not been followed in some cases, and the Central Organisation of Finnish Trade Unions emphasises that these bodies do not meet the objective of Article 3 of the Convention.

Since one of the purposes of the consultations called for by this provision of the Convention is to secure the full co-operation of the organisations concerned in formulating and enlisting support for employment policies, the Committee hopes that measures will be taken to solve any existing problems so that the consultative arrangements may obtain the support of the employers' and workers' organisations, thus ensuring that their experience and views are taken fully into account and that their full co-operation is secured in the formulation and implementation of employment policies.

France (ratification: 1971)

The Committee notes that, in the face of a continued decline in industrial employment and a steady growth in the labour force, the Government has implemented a wide variety of measures designed to assist undertakings in difficulty and individuals threatened with or affected by unemployment, as well as to stimulate the creation of new employment, but that none the less unemployment continued to increase during and after the period covered by the report, reaching 1,680,000 at the end of January 1981 (some 7.5 per cent of the labour force).

It hopes that in its next report the Government will, as well as describing the measures taken in the area of employment market policy, provide information on the extent to which and the manner in which general economic policy is co-ordinated with employment market measures, and geared towards employment creation, in accordance with the requirement of the Convention that the adoption of a policy aimed at ensuring that there is work for all who are available for and seeking work should be a major goal.

Guinea (ratification: 1966)

The Committee refers to its general observation and expresses the hope that, following direct contacts, the Government will supply a detailed report on the measures taken to apply the Convention, on the basis of the report form approved by the Governing Body.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes with regret that for the third consecutive year the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the measures taken by the Government to implement an active employment policy, on the basis of the report form approved by the Governing Body, as well as on the matters which it is again raising in a direct request.

Netherlands (ratification: 1967)

The Committee notes that, notwithstanding a wide range of measures being taken in the economic, social and employment market fields, unemployment in July 1980 reached 6.1 per cent of the labour



force, the highest level since 1945, and that it was expected to continue to increase through 1981 as the labour supply continues to grow faster than the number of extra jobs becoming available. It hopes the Government will continue to provide information on the policies being implemented, and structural adjustments being made, in pursuit of the Convention's goal that there shall be work for all who are available for and seeking work.

The Committee notes that the Government refers in this context to the need to redistribute the employment that is available, and in particular to the measures being taken to promote part-time employment. It requests the Government to provide information on any further measures taken to this end, and on the impact of these measures.

The Committee notes that in the Government's opinion discrepancies between supply and demand on the labour market constitute one of the key elements leading to unemployment. It requests the Government to supply information on the impact of the measures being taken to bring about a better balance between job applicants and vacancies, both in individual employment sectors and regionally, and to describe any further measures taken to this end, particularly in the field of vocational training.

United Kingdom (ratification: 1966)

I. The Committee notes the information supplied by the Government in its report. Much of this information relates to the measures taken to deal with special problems of unemployment and underemployment, for example in respect of the disabled and the young. It also describes at length the policies adopted to assist those who have lost their employment to find work.

It is not clear to the Committee from the report what positive steps are being taken to develop a policy to deal with increasing unemployment. According to statistics published by the Government, in mid-February 1981 there were over 2,400,000 registered unemployed persons, representing a seasonally-adjusted unemployment rate of 9.6 per cent of the labour force, and the Government recognises in its report that this rate, which has risen from 6.2 per cent in February 1980, will continue to rise during the year and is likely to remain high for some time.

In these circumstances, the Committee would have wished to find detailed information on the current situation and trends in employment and on the measures being implemented in the Government's report, which covers only certain limited aspects of an active employment policy as called for by the Convention. The Government states moreover that the conquest of inflation is seen as a necessary precondition of the conquest of unemployment, and that future employment opportunities are seen as depending on the ability of industry to respond to the opportunities offered to enterprise and efficiency.

The Committee emphasises that under the Convention a policy aimed at ensuring that there is work for all who are available for and seeking work should be a major goal, and requests the Government to provide particulars of the measures taken or contemplated to this end.

II. The Committee requests the Government to provide particulars of the consultations which have taken place with representatives of employers and workers concerning employment policies during the period covered by the report, with a view to taking fully

into account their views and experience and securing their full co-operation in formulating and enlisting support for such policies, in accordance with Article 3 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Barbados, Bolivia, Brazil, Byelorussian SSR, United Republic of Cameroon, Chile, Comoros, Costa Rica, Cuba, Czechoslovakia, Denmark, Djibouti, Ecuador, France, German Democratic Republic, Hungary, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mongolia, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Romania, Senegal, Spain, Sudan, Suriname, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, Uruguay, Yugoslavia.

Information supplied by Cyprus, Federal Republic of Germany and New Zealand, in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: Belgium, Bolivia, Djibouti, Gabon, Malaysia, Nigeria, Thailand.

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

Requests regarding certain points are being addressed directly to the following States: Belgium, Jordan.

### Convention No. 125: Fishermen's Competency Certificates, 1966

Requests regarding certain points are being addressed directly to the following States: Panama, Syrian Arab Republic, Trinidad and Tobago.

### Convention No. 126: Accommodation of Crews (Fishermen), 1966

Panama (ratification: 1971)

The Committee refers to its previous comments and notes with interest that the Government has decided to call on the technical co-operation of the ILO in 1981 to settle questions concerning seafarers, including the questions that come under the Convention. It hopes that the measures adopted will give full effect to the Convention. The Committee asks the Government to provide information on any progress made.

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

### Convention No. 127: Maximum Weight, 1967

#### Chile (ratification: 1972)

In previous reports the Government had indicated that regulations would be issued to ensure the full application of the Convention. In its latest report, however, the Government again refers only to the provisions of Legislative Decree 2.200 which, as the Committee has pointed out in previous comments, does not ensure the application of all the provisions of the Convention. The Committee trusts therefore that measures will be taken to ensure the full application of the following provisions of the Convention.

Article 3 of the Convention. Sections 111-113 of Legislative Decree 2.200 limit the weight only of sacks whereas the Convention requires that workers shall not be required or permitted to engage in the manual transport of any loads which by reason of their weight are likely to jeopardise their health or safety. The maximum permitted weight of sacks, moreover, varies between 80 and 86 kilogrammes, according to their contents. It would accordingly seem necessary (unless this maximum is reduced, in accordance with the suggestion in paragraph 14 of the Maximum Weight Recommendation, 1967, to 55 kilogrammes as speedily as possible) to institute arrangements - for example by way of initial and periodical medical examinations - to ensure that the workers assigned to the transport of loads of these weights are in fact fit to perform such work.

Article 7. According to the Government, it is not the practice to engage women or young persons for the manual transport of excessive loads. The Committee again expresses the hope that steps will be taken to ensure that sections 24 and 25 of Legislative Decree 2.200 (prohibiting the employment of women and young persons on work which exceeds their strength or may be dangerous to their health or safety) are supplemented by measures ensuring that the assignment of women and young persons to the manual transport of loads is limited, and that the maximum weight of the loads they may carry is substantially less than that permitted for adult male workers.

#### Costa Rica (ratification: 1972)

The Committee notes with satisfaction that, as a result of the direct contacts and discussions between the competent national services and a representative of the Director-General of the ILO held in 1977 and 1980, Decree No. 11.074 TSS of 9 May 1980 has been issued and that it gives effect to the provisions of the Convention.

#### Tunisia (ratification: 1970)

The Committee notes with interest that a draft Order to fix the maximum weight to be carried by one worker is being studied at present. It hopes that this will be adopted in the near future and ensure the application of the Convention. The Committee requests the Government to provide a copy of the text as soon as it is adopted.

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In addition, requests regarding certain points are being addressed directly to the following States: Bulgaria, Chile, Nicaragua, Panama, Tunisia.

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

The Committee has observed that a considerable number of the reports received on the application of the Convention do not contain the statistical information necessary to enable an assessment to be made of the manner in which effect is given to the Convention. Since as a general rule reports on the application of the Convention are due only at four-yearly intervals, the Committee requests governments to ensure that they regularly supply in their reports all of the statistical information requested in the report form approved by the Governing Body, and in particular data on the number of persons protected, the rate of benefits (and the methods by which they are calculated) and on any upward adjustment in these rates during the period covered by the report.

Sweden (ratification: 1968)

Article 32, paragraph 1(a), of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that the option, provided for by section 3 of Chapter 15 of the Public Insurance Act, of receiving a lump-sum payment instead of the supplementary pension (a contributory benefit) in the event of residence abroad has been abolished, with effect from 1 July 1979, and that the application of this provision of the Convention is now ensured.

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In addition, requests regarding certain points are being addressed directly to the following States: Austria, Barbados, Cyprus, Finland, Federal Republic of Germany, Norway, Sweden, Switzerland.

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

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

France (ratification: 1972)

1. The Committee notes the comments made by the National Staff Union of the Inspectorate of Labour Laws in Agriculture (SNPILSA-CFDT), which relates to the application of the following Articles of the Convention:

Article 6 (functions of the system of labour inspection); Article 8 (stability of employment and independence of the labour inspection staff); Article 14 (number of inspectors); Article 20(a) (prohibition

of labour inspectors from having any interest in the undertakings under their supervision); Article 21 (frequency of visits of inspection); Article 23 (right of labour inspectors to refer reports directly to an authority competent to institute legal proceedings); Article 26, paragraph 1 (publication of an annual report of inspection). Since the reply of the Government to the comments of the SNPILSA-CFDT arrived just before the opening of the present session of the Committee, the Committee is obliged to postpone examination to its next session.

2. The Committee takes note of the information supplied by the Government in reply to its previous comments on Article 18, paragraphs 2(b) and 3 of the Convention.

Uruguay (ratification: 1973)

The Committee takes note with satisfaction of the adoption of Decree No. 680/977 of 6 December 1977. This Decree largely gives effect to the provisions of the Convention, including Article 16, paragraph 1, Article 18, paragraph 2, Article 19 and Article 20, which have been the subject of earlier comments.

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In addition, requests regarding certain points are being addressed directly to the following States: Colombia, Costa Rica, Malawi, Spain, Upper Volta, Uruguay, Yugoslavia.

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

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Finland, Federal Republic of Germany.

**Convention No. 131: Minimum Wage Fixing, 1970**

Requests regarding certain points are being addressed directly to the following States: Australia, United Republic of Cameroon, Ecuador, Egypt, Libyan Arab Jamahiriya, Mexico, Sri Lanka, Syrian Arab Republic, Uruguay, Yemen.

Information supplied by Iraq, Nepal and Nicaragua in answer to a direct request has been noted by the Committee.

**Convention No. 132: Holidays with Pay (Revised), 1970**

Ireland (ratification: 1974)

The Committee notes the observations submitted by the Irish Congress of Trade Unions concerning the application of the Holidays (Employees) Act, 1973. Pending possible comments by the Government on

these observations, the Committee has postponed the examination of the question to its next session.

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In addition, requests regarding certain points are being addressed directly to the following States: Iraq, Ireland, Madagascar, Upper Volta, Yemen, Yugoslavia.

### Convention No. 134: Prevention of Accidents (Seafarers), 1970

Requests regarding certain points are being addressed directly to the following States: France, Japan, Nigeria.

### Convention No. 135: Workers' Representatives, 1971

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Mexico, Romania, Suriname, Yemen.

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

### Convention No. 136: Benzene, 1971

#### Ivory Coast (ratification: 1972)

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

Article 1, Article 3, paragraph 1, and Article 4 of the Convention. The Committee notes that, under the national regulations (Decree No. 67-321 of 21 July 1967), the application of the provisions on the prevention of benzene poisoning (establishments and occupations covered; possible exceptions; prohibition of use as a solvent) is determined on the basis of the level of distillation of products containing benzene that are used. Since the scope of the Convention is determined on the basis of a benzene content of 1 per cent by volume of products used, the Committee expresses the hope that the Government may contemplate taking appropriate measures to bring the national regulations into harmony with the terms of the Convention.

Article 2. The Government is requested to indicate the measures taken or contemplated to prescribe expressly the compulsory use of harmless or less harmful substitute products, where available, instead of benzene and products containing benzene.

Article 6, paragraph 2. According to the Notice concerning benzolism (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), existing means of ventilation must guarantee a maximum concentration of benzene in the air equal to 0.1 g/m<sup>3</sup>. 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/m<sup>3</sup>.

Article 8, paragraph 1. The Government is requested to indicate the measures taken or contemplated to prescribe means of personal protection against the risk of absorbing benzene through the skin.

Article 11, paragraph 2. According to the Recommendations to physicians (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), male workers under 18 years of age should be considered to be unsuitable for work liable to provoke benzene poisoning, unless special permission is given by the physician; medical supervision is also prescribed for any persons engaged. The Government is requested to indicate the measures taken or contemplated to ensure that the employment of such persons will be permitted only for their training and education and subject to adequate technical supervision, as prescribed by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Morocco, Romania, Syrian Arab Republic.

#### Convention No. 137: Dock Work, 1973

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Netherlands.

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

#### Convention No. 138: Minimum Age, 1973

Ireland (ratification: 1978)

The Committee notes that the Irish Congress of Trade Unions has made observations on the application of the Convention. The Committee will examine these observations together with any comments by the Government during its 1982 session, at the same time as the first report of the Government, which arrived too late for examination during the present session.

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In addition, requests regarding certain points are being addressed directly to the following States: Federal Republic of Germany, Libyan Arab Jamahiriya, Luxembourg, Netherlands, Niger, Poland, Romania, Zambia.

#### Convention No. 139: Occupational Cancer, 1974

Requests regarding certain points are being addressed directly to the following States: Argentina, Hungary, Yugoslavia.

**Convention No. 140: Paid Educational Leave, 1974**

Requests regarding certain points are being addressed directly to the following States: Netherlands, Spain, United Kingdom.

**Convention No. 141: Rural Workers' Organisations, 1975**

Requests regarding certain points are being addressed directly to the following States: Austria, Cyprus, Denmark, Federal Republic of Germany, Mexico, Spain.

**Convention No. 142: Human Resources Development, 1975**

Requests regarding certain points are being addressed directly to the following States: Argentina, Cuba, Finland, Mexico, Nicaragua, Spain.

**Convention No. 143: Migrant Workers (Supplementary Provisions), 1975**

Requests regarding certain points are being addressed directly to the following States: Cyprus, Upper Volta.

**Convention No. 144: Tripartite Consultation (International Labour Standards) 1976**

Requests regarding certain points are being addressed directly to the following States: Denmark, Finland, Mexico, Netherlands, United Kingdom.

**Convention No. 145: Continuity of Employment (Seafarers), 1976**

Requests regarding certain points are being addressed directly to the following States: Finland, France, Hungary.

**Convention No. 146: Seafarers' Annual Leave with Pay, 1976**

France (ratification: 1978)

The Committee refers to its observation of 1980 concerning the comments submitted by the National Federation of Maritime Trade Unions to the effect that seafarers of Indonesian and Indian origin on board vessels under the French flag are not entitled to paid annual leave under the same conditions as the other members of the crew.

The Government states in reply to these comments that the difference in treatment in respect of Indonesian personnel on board cruising ships is justified by the differences in legal status, vocational qualifications and employment, since Indonesian personnel possess no maritime qualification, are employed exclusively in the passengers' catering service and are paid not by the shipowner but by another undertaking that furnishes the service. Seafarers of Indian nationality have been employed exceptionally, at the request of the Indian party, under the conditions in force in India, on board a vessel operating on a recently opened line between India and Africa.

The Committee notes, with regard to personnel of Indonesian origin, that, under Article 2, paragraphs 1 and 2, of the Convention, the instrument applies to all persons who are employed as "seafarers". For the purpose of the Convention the term "seafarer" means a person who is employed in any capacity on board a sea-going ship. It follows that no distinction can be made between personnel of the navigating service and personnel of the catering service, or between personnel engaged by the shipowner and personnel engaged by another undertaking. In this connection it should be recalled that, unlike the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), (Article 2, paragraph 1(f)), Convention No. 146 does not exclude persons employed on board by an employer other than the shipowner.

With regard to the Indian seafarers on board the French vessel referred to above, it appears to the Committee that neither the nature of their service on board nor that of their engagement authorises their exclusion from the scope of Convention No. 146.

The Indonesian and Indian personnel in question should therefore be entitled to the minimum conditions fixed by the Convention. The Committee recalls that, in the declaration made under Article 3, paragraph 2, of the Convention, the Government specifies annual leave of 116 days for officers and seamen employed on board merchant vessels and that in its report the Government makes no reference to resorting to Article 2, paragraph 7, of the Convention, under which "limited categories of persons employed on board sea-going ships" may be excluded.

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In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, France.

#### Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977

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

#### Convention No. 149: Nursing Personnel, 1977

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

**Appendix I. Receipt of Detailed Reports on Ratified Conventions  
(States Members) as at 25 March 1981**

*(Article 22 of the Constitution)*

Reports received: 1,302      Reports not received: 279      Total: 1,581

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan .....	1	111	0	—	1
Algeria .....	17	3, 11, 13, 32, 58, 62, 68, 87, 91, 92, 97, 98, 99, 111, 119, 120, 122	0	—	17
Angola .....	8	1, 7, 26, 68, 91, 92, 98, 111	0	—	8
Argentina .....	19	1, 3, 9, 11, 15, 20, 26, 30, 35, 36, 58, 68, 87, 98, 107, 111, 115, 139, 142	0	—	19
Australia .....	14	7, 9, 11, 15, 47, 87, 98, 99, 100, 111, 112, 122, 131, 137	0	—	14
Austria .....	11	11, 26, 87, 98, 99, 102, 103, 111, 122, 128, 141	0	—	11
Bahamas .....	6	7, 11, 26, 97, 98, 117	0	—	6
Bangladesh .....	9	1, 11, 15, 27, 87, 98, 105, 106, 111	0	—	9
Barbados .....	11	7, 11, 26, 87, 90, 97, 98, 100, 102, 111, 128	1	122	12
Belgium .....	21	1, 9, 11, 15, 26, 43, 58, 68, 87, 91, 92, 97, 98, 99, 102, 111, 112, 120, 122, 123, 126	0	—	21
Benin .....	5	11, 26, 87, 98, 111	0	—	5
Bolivia .....	16	1, 5, 19, 20, 30, 87, 88, 89, 90, 96, 98, 111, 120, 121, 122, 123	15	26, 78, 81, 95, 102, 103, 107, 117, 118, 124, 128, 129, 130, 131, 136	31



REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Brazil .....	0	—	14	11, 26, 58, 91, 92, 97, 98, 99, 103, 107, 108, 111, 120, 122	14
Bulgaria .....	21	1, 3, 9, 11, 20, 26, 30, 35, 36, 37, 38, 39, 40, 43, 49, 68, 87, 98, 111, 120, 127	0	—	21
Burma .....	6	1, 11, 15, 26, 52, 87	0	—	6
Burundi .....	4	1, 11, 26, 94	0	—	4
Byelorussian SSR .....	9	11, 47, 87, 98, 103, 111, 119, 120, 122	0	—	9
United Rep. of Cameroon ..	10	3, 9, 15, 87, 97, 98, 122, 131, 143, 146	0	—	10
Canada .....	8	1, 15, 26, 58, 68, 87, 111, 122	0	—	8
Cape Verde .....	0	—	2	98, 111	2
Central African Republic ..	8	3, 11, 67, 87, 98, 99, 111, 119	1	26	9
Chad .....	0	—	17	5, 6, 11, 13, 14, 26, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111	17
Chile .....	13	1, 3, 7, 9, 11, 15, 20, 26, 30, 32, 111, 122, 127	6	24, 25, 35, 36, 37, 38	19
Colombia .....	13	1, 3, 7, 9, 11, 15, 20, 26, 30, 87, 98, 99, 111	0	—	13
Comoros .....	7	1, 11, 26, 87, 98, 99, 122,	0	—	7
Congo .....	4	11, 26, 87, 119	0	—	4
Costa Rica .....	14	11, 26, 87, 88, 92, 95, 98, 99, 102, 107, 111, 120, 122, 130	1	137	15
Cuba .....	20	1, 9, 11, 20, 30, 67, 87, 91, 92, 97, 98, 103, 110, 111, 120, 122, 131, 137, 140, 142	0	—	20
Cyprus .....	13	11, 15, 87, 97, 98, 111, 119, 122, 128, 141, 142, 143, 144	2	106, 114	15
Czechoslovakia .....	17	1, 11, 26, 35, 36, 37, 38, 39, 40, 43, 49, 87, 98, 99, 111, 122, 140	0	—	17

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Democratic Yemen . . . . .	0	—	3	15, 58, 98	3
Denmark . . . . .	19	9, 11, 15, 58, 87, 92, 98, 102, 111, 112, 115, 120, 122, 126, 130, 135, 139, 141, 144	0	—	19
Djibouti . . . . .	18	9, 11, 15, 26, 35, 36, 37, 38, 43, 49, 58, 87, 91, 98, 99, 120, 122, 126	1	1	19
Dominican Republic . . . . .	7	77, 81, 87, 95, 98, 111, 119	3	1, 7, 26	10
Ecuador . . . . .	24	11, 24, 77, 78, 87, 97, 98, 103, 107, 110, 111, 112, 114, 119, 120, 121, 122, 128, 130, 131, 141, 142, 148, 149	0	—	24
Egypt . . . . .	11	1, 11, 30, 53, 87, 88, 94, 98, 106, 111, 131	0	—	11
El Salvador . . . . .	0	—	0	—	0
Ethiopia . . . . .	4	11, 87, 98, 111	0	—	4
Fiji . . . . .	5	11, 26, 58, 84, 98	0	—	5
Finland . . . . .	17	9, 20, 30, 87, 91, 92, 98, 111, 115, 119, 120, 122, 128, 130, 137, 144, 145	1	11	18
France . . . . .	32	3, 9, 11, 15, 22, 27, 32, 35, 36, 37, 38, 43, 49, 58, 68, 81, 84, 87, 92, 97, 98, 102, 112, 120, 122, 126, 131, 134, 137, 140, 145, 146	0	—	32
Gabon . . . . .	8	3, 11, 26, 87, 98, 99, 106, 111	0	—	8
German Democratic Republic . . . . .	9	11, 47, 87, 95, 98, 111, 115, 120, 122	0	—	9
Fed. Rep. of Germany . . . . .	19	3, 9, 11, 22, 26, 87, 92, 97, 98, 99, 102, 111, 120, 122, 126, 128, 130, 132, 141	0	—	19
Ghana . . . . .	16	1, 11, 15, 26, 30, 58, 87, 92, 94, 98, 100, 111, 115, 117, 119, 120	1	29	17
Greece . . . . .	9	1, 3, 9, 11, 15, 58, 87, 98, 102	0	—	9
Grenada . . . . .	10	7, 11, 15, 16, 26, 29, 58, 98, 99, 105	1	97	11
Guatemala . . . . .	17	26, 30, 58, 87, 94, 95, 96, 97, 98, 99, 110, 111, 112, 113, 114, 119, 120	0	—	17

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Guinea .....	37	3, 5, 10, 13, 14, 16, 26, 33, 45, 62, 81, 87, 90, 94, 95, 98, 99, 100, 105, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 132, 134, 136, 139, 140, 142, 143	4	11, 29, 89, 135	41
Guinea-Bissau .....	0	—	22	1, 6, 7, 14, 19, 26, 27, 29, 68, 69, 73, 74, 81, 91, 92, 98, 100, 105, 106, 107, 108, 111	22
Guyana .....	8	7, 11, 15, 26, 87, 97, 98, 111	0	—	8
Haiti .....	6	1, 24, 25, 30, 98, 111	0	—	6
Honduras .....	4	29, 87, 98, 111	0	—	4
Hungary .....	12	7, 15, 26, 87, 98, 99, 103, 111, 122, 139, 140, 145	0	—	12
Iceland .....	7	11, 15, 58, 87, 91, 98, 111	1	102	8
India .....	7	1, 11, 15, 26, 111, 115, 144	0	—	7
Indonesia .....	3	29, 98, 120	0	—	3
Iran .....	2	111, 122	0	—	2
Iraq .....	5	19, 92, 118, 122, 131	15	1, 15, 23, 27, 30, 58, 81, 98, 111, 132, 137, 139, 140, 142, 144	20
Ireland .....	11	11, 20, 26, 43, 49, 87, 98, 99, 102, 132, 138	4	23, 68, 92, 122	15
Israel .....	11	1, 9, 20, 30, 87, 91, 97, 98, 102, 111, 122	0	—	11
Italy .....	24	9, 11, 15, 26, 35, 36, 37, 38, 39, 40, 58, 68, 87, 91, 97, 98, 99, 102, 103, 111, 112, 119, 120, 122	0	—	24
Ivory Coast .....	0	—	9	3, 11, 26, 87, 98, 99, 110, 111, 136	9
Jamaica .....	6	11, 26, 87, 97, 98, 122	4	15, 58, 111, 117	10
Japan .....	9	9, 15, 58, 87, 98, 102, 119, 131, 134	0	—	9
Jordan .....	10	29, 81, 98, 105, 111, 118, 119, 120, 122, 123	0	—	10

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Democratic Kampuchea . . .	0	—	5	4, 6, 13, 29, 122	5
Kenya . . . . .	9	11, 15, 26, 58, 97, 98, 99, 105, 112	1	63	10
Kuwait . . . . .	7	1, 30, 87, 105, 106, 111, 119	1	117	8
Lao Republic . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	8	1, 14, 15, 17, 19, 26, 29, 30	17	52, 59, 77, 78, 81, 88, 95, 98, 100, 105, 106, 111, 115, 120, 122, 127, 131	25
Lesotho . . . . .	0	—	4	11, 26, 87, 98	4
Liberia . . . . .	11	23, 53, 58, 87, 92, 98, 105, 111, 112, 113, 114	1	22	12
Libyan Arab Jamahiriya . . .	3	3, 95, 98	19	1, 14, 29, 52, 53, 81, 96, 100, 102, 103, 105, 111, 118, 121, 122, 128, 130, 131, 138	22
Luxembourg . . . . .	10	1, 9, 11, 20, 26, 30, 87, 98, 102, 103	0	—	10
Madagascar . . . . .	5	11, 87, 119, 120, 132	3	26, 111, 122	8
Malawi . . . . .	0	—	8	11, 26, 81, 97, 98, 99, 111, 129	8
Malaysia . . . . .	0	—	4	29, 98, 119, 123	4
Peninsular Malaysia . . . .	0	—	1	11	1
Sabah . . . . .	0	—	2	15, 97	2
Sarawak . . . . .	0	—	3	7, 11, 15	3
Mali . . . . .	5	11, 26, 87, 98, 111	0	—	5
Malta . . . . .	10	7, 11, 15, 26, 35, 36, 87, 98, 99, 111	0	—	10
Mauritania . . . . .	18	3, 11, 15, 19, 22, 53, 58, 81, 84, 87, 91, 94, 102, 111, 112, 114, 118, 122	2	26, 62	20
Mauritius . . . . .	10	7, 11, 15, 26, 58, 84, 94, 97, 98, 99	0	—	10
Mexico . . . . .	18	9, 11, 22, 30, 43, 49, 58, 87, 102, 110, 111, 112, 118, 120, 131, 141, 142, 144	0	—	18

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Mongolia . . . . .	5	87, 98, 103, 111, 122	0	—	5
Morocco . . . . .	9	11, 15, 26, 30, 52, 98, 99, 111, 119	0	—	9
Mozambique . . . . .	4	1, 11, 30, 111	1	18	5
Nepal . . . . .	2	111, 131	0	—	2
Netherlands . . . . .	14	9, 11, 68, 87, 91, 92, 97, 102, 122, 126, 128, 131, 140, 144	2	111, 137	16
New Zealand . . . . .	15	1, 9, 11, 15, 26, 30, 47, 49, 58, 68, 84, 92, 97, 99, 122	0	—	15
Nicaragua . . . . .	14	1, 3, 7, 9, 11, 15, 30, 78, 87, 95, 98, 111, 127, 131	0	—	14
Niger . . . . .	8	11, 26, 87, 98, 102, 111, 119, 138	0	—	8
Nigeria . . . . .	8	11, 15, 16, 19, 32, 58, 59, 97	3	26, 87, 98	11
Norway . . . . .	24	9, 11, 15, 26, 30, 43, 49, 58, 68, 87, 91, 92, 97, 98, 102, 111, 112, 119, 120, 122, 126, 128, 137, 144	0	—	24
Pakistan . . . . .	6	1, 11, 22, 87, 98, 111	1	15	7
Panama . . . . .	27	3, 9, 11, 15, 20, 22, 26, 27, 30, 43, 53, 58, 68, 74, 77, 87, 92, 94, 98, 110, 111, 112, 119, 120, 122, 125, 126	0	—	27
Papua New Guinea . . . . .	5	7, 11, 26, 98, 99	1	122	6
Paraguay . . . . .	11	1, 11, 26, 30, 87, 98, 99, 107, 111, 119, 120	1	122	12
Peru . . . . .	24	1, 9, 22, 24, 25, 32, 35, 36, 37, 38, 39, 40, 55, 56, 58, 67, 68, 69, 87, 98, 102, 107, 111, 122	5	11, 20, 26, 99, 112	29
Philippines . . . . .	9	17, 23, 87, 94, 98, 99, 110, 111, 122	0	—	9
Poland . . . . .	18	9, 35, 36, 37, 38, 39, 40, 68, 91, 92, 98, 99, 103, 111, 119, 120, 122, 138	2	11, 87	20

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Portugal .....	10	1, 7, 11, 26, 68, 87, 91, 92, 98, 111	2	97, 143	12
Qatar .....	0	—	1	111	1
Romania .....	12	1, 3, 9, 11, 87, 98, 108, 111, 122, 131, 137, 138	0	—	12
Rwanda .....	3	11, 26, 94	0	—	3
Saudi Arabia .....	0	—	12	1, 29, 30, 45, 81, 89, 90, 100, 105, 106, 111, 123	12
Senegal .....	9	11, 26, 87, 98, 99, 102, 111, 120, 122	0	—	9
Seychelles .....	0	—	7	7, 11, 15, 26, 58, 87, 99	7
Sierra Leone .....	9	15, 26, 58, 87, 98, 99, 111, 119, 126	0	—	9
Singapore .....	5	7, 8, 11, 15, 98	0	—	5
Somalia .....	0	—	2	84, 111	2
Former British Somaliland .....	0	—	1	50	1
Spain .....	23	1, 9, 11, 20, 30, 68, 87, 88, 92, 97, 98, 99, 103, 111, 119, 120, 122, 126, 131, 137, 140, 141, 145	0	—	23
Sri Lanka .....	7	11, 15, 29, 58, 98, 99, 131	0	—	7
Sudan .....	4	26, 98, 111, 122	0	—	4
Suriname .....	9	11, 62, 81, 87, 105, 112, 118, 122, 135	0	—	9
Swaziland .....	4	11, 26, 87, 98	0	—	4
Sweden .....	18	9, 15, 58, 87, 92, 98, 102, 111, 119, 120, 122, 128, 132, 137, 140, 144, 146, 148	2	11, 149	20
Switzerland .....	9	11, 15, 26, 58, 87, 102, 111, 120, 128	0	—	9
Syrian Arab Republic .....	11	1, 11, 30, 96, 98, 106, 111, 119, 120, 131, 136	2	81, 87	13
Tanzania .....	3	11, 15, 26	3	29, 98, 105	6

## REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Tanganyika .....	0	—	0	—	0
Zanzibar .....	0	—	3	7, 58, 97	3
Thailand .....	1	122	0	—	1
Togo .....	12	5, 6, 11, 13, 26, 29, 33, 41, 84, 85, 87, 95	0	—	12
Trinidad and Tobago .....	5	15, 87, 97, 98, 111	0	—	5
Tunisia .....	11	11, 26, 58, 91, 98, 99, 111, 112, 119, 120, 122	1	87	12
Turkey .....	12	11, 15, 26, 58, 95, 98, 99, 102, 111, 118, 119, 122	1	94	13
Uganda .....	4	11, 26, 122, 143	1	98	5
Ukrainian SSR .....	11	11, 47, 87, 92, 98, 103, 111, 119, 120, 122, 126	0	—	11
USSR .....	12	11, 47, 52, 87, 92, 98, 103, 111, 119, 120, 122, 126	0	—	12
United Kingdom .....	24	7, 8, 11, 15, 26, 35, 36, 37, 38, 39, 40, 68, 84, 87, 92, 97, 98, 99, 102, 114, 120, 122, 140, 144	0	—	24
United States .....	1	58	0	—	1
Upper Volta .....	0	—	10	3, 11, 18, 87, 97, 98, 111, 131, 132, 143	10
Uruguay .....	20	1, 9, 11, 22, 26, 30, 43, 67, 87, 94, 97, 98, 99, 103, 110, 114, 119, 122, 128, 131	0	—	20
Venezuela .....	9	1, 3, 7, 11, 22, 26, 98, 111, 120	0	—	9
Yemen .....	0	—	10	14, 29, 81, 87, 98, 100, 111, 131, 132, 135	10
Yugoslavia .....	20	9, 11, 15, 29, 58, 81, 87, 91, 92, 97, 98, 102, 103, 111, 112, 119, 122, 126, 132, 139	0	—	20
Zaire .....	11	11, 19, 26, 27, 62, 84, 88, 98, 118, 119, 120	0	—	11
Zambia .....	4	11, 97, 99, 131	2	141, 144	6

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Other States</i>					
Albania <sup>1</sup> .....	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Nauru .....	0	—	5	19, 21, 27, 29, 105	5
Rep. of South Africa <sup>1</sup> .....	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Western Samoa .....	0	—	2	14, 29	2

<sup>1</sup> Albania and Republic of South Africa have withdrawn from the ILO, but these States continue to be bound by the Conventions which they have ratified (article 1, paragraph 5, of the Constitution).



# Appendix II. Statistical Table of Reports on Ratified Conventions as at 25 March 1981

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 <sup>1</sup>	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.4	1 484	95.2	1 509	96.8
1958-1959	995 <sup>2</sup>	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 358	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
-1977	1 529 <sup>3</sup>	215	14.0	1 120	73.2	1 328	87.0
-1978	1 701	251	14.7	1 289	75.7	1 391	81.7
-1979	1 593	234	14.7	1 270	79.8	1 376	86.4
-1980	1 581	168	10.6	1 302	82.2	—	—

<sup>1</sup> First year for which this figure is available.

<sup>2</sup> As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions.

<sup>3</sup> As a result of a decision by the Governing Body (November 1976) detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

## **II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)**

### **A. GENERAL OBSERVATIONS**

#### **Denmark**

The Committee notes with regret that the reports due in respect of the application of Conventions to the Faeroe Islands have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

#### **France**

The Committee notes with regret that first reports due in respect of the application of Conventions Nos. 2, 44, 63, 88, 96 and 122 which have been due for five years in respect of St. Pierre and Miquelon have not been received. The Committee hopes that the reports in question will be available for examination by the Committee at its next session.

#### **Netherlands**

The Committee notes with regret that the reports due in respect of the application of Conventions in the Netherlands Antilles have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

#### **United Kingdom**

The Committee notes with regret that the reports due in respect of the application of Conventions in the British Virgin Islands and in the Falkland Islands (Malvinas) have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

### **B. INDIVIDUAL OBSERVATIONS**

#### **Convention No. 3: Maternity Protection, 1919**

A request regarding certain points is being addressed directly to France (French Polynesia).

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

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

**Convention No. 9: Placing of Seamen, 1920**

Requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), France (French Polynesia).

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

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

**Convention No. 15: Minimum Age (Trimmers and Stokers), 1921**

A request regarding certain points is being addressed directly to the United Kingdom (Belize).

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

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

**Convention No. 17: Workmen's Compensation (Accidents), 1925**United KingdomSt. Helena

With reference to its earlier comments, the Committee takes note with satisfaction of the statement by the Government to the effect that all the workers of St. Helena are now covered by the general provisions on employment injury following the repeal of paragraph (a) in the proviso to the definition of "workman" in section 2 of the Workmen's Compensation Ordinance by section 2 of Ordinance No. 2 of 1978.

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\*   \*

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Antigua, St. Helena, St. Kitts-Nevis).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon)

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

French Polynesia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

New Caledonia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

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

Requests regarding certain points are being addressed directly to France (French Polynesia, St. Pierre and Miquelon).

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

With reference to its previous comments concerning the application of Articles 2 and 3, the Committee notes with satisfaction that the Employment Ordinance, 1979 gives full effect to these provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the United Kingdom (British Virgin Islands, Montserrat).

**Convention No. 29: Forced Labour, 1930**

Requests regarding certain points are being addressed directly to the following States: France (French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon), United Kingdom (St. Helena).

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

Requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

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

Article 5 of the Convention. The Committee notes with interest from the Government's reply to its previous observation that a draft bill to define dangerous activities prohibited to persons under 18 years of age has been submitted to the Socio-Economic Council and the Labour Advisory Committee. Recalling that the necessity to adopt regulations to give full effect to Article 5 of the Convention has been pointed out since 1958, the Committee hopes that the draft bill will be adopted at an early date.<sup>1</sup>

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

New Caledonia

Article 12, paragraph 5, of the Convention. In the comments that it has been making since 1977, the Committee has pointed out that the provision in the national law (section 1 of Resolution No. 300 of 17 June 1961), under which foreign workers are entitled to old-age benefit only if they have their residence and legal domicile in New Caledonia or reside in a country that has entered into a reciprocity agreement with France, is not in conformity with the Convention. Under the terms of the Convention, nationals of States that have ratified it are entitled to these benefits when they reside on the territory of any of the ratifying States, there being no necessity for the conclusion of a bilateral agreement in this connection.

The Committee has therefore asked the Government to state whether pensioners who are nationals of States parties to the Convention are automatically entitled to the reciprocity provided for by the Resolution in question. Since the reports provided by the Government

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

contain no reply on this matter, the Committee is obliged to take up the question again, hoping that the next report will contain the information desired.<sup>4</sup>

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\* \* \*

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

### Convention No. 36: Old-Age Insurance (Agriculture), 1933

#### France

Overseas Departments (French Guiana,  
Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

#### New Caledonia

Article 12, paragraph 5, of the Convention. See under Convention No. 35.<sup>4</sup>

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\* \* \*

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

#### France

Overseas Departments (French Guiana,  
Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

#### New Caledonia

The Committee notes that the Government's report has not been received. It must therefore repeat the following question raised in its previous comments:

Article 9, paragraph 2(d), of the Convention. The regulations in force provide for the total or partial suspension

<sup>4</sup> The Government is asked to report in detail for the period ending 30 June 1982.

of pensions if the person concerned has received, during two consecutive quarters, through invalidity pension payments and earnings, an amount greater than that of the standard salary of a worker in the occupational category to which he belongs (section 28bis of Resolution No. 145 of 29 January 1969, as amended by Resolution No. 235 of 1970). Since the Convention permits suspension of pension in respect of remuneration only in cases of schemes exclusively for non-manual workers - which is not the case in New Caledonia - the Committee requests the Government to state if the above-mentioned earnings refer to that resulting from employment involving the insurance and, if not, to describe the measures contemplated to bring the regulations in force with the requirements of the Convention in this respect.

Article 13, paragraph 5. The Committee requests the Government to state: (a) whether invalidity benefits continue to be paid if the beneficiary is resident abroad; and (b) if so, whether such payment is made to both its own nationals and those of any State bound by the Convention under the same conditions. (Please indicate by which legal provisions.)<sup>1</sup>

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\* \*

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

#### France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

#### New Caledonia

Article 9, paragraph 2(d), and Article 13, paragraph 5, of the Convention. See under Convention No. 37.<sup>1</sup>

\*  
\* \*

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

**Convention No. 44: Unemployment Provision, 1934**FranceNew Caledonia

The Committee notes that the report of the Government contains nothing new in reply to its earlier comments. It hopes that the Government will be able in its next report to indicate measures under which effect may be given to the Convention on the following points:

Article 3 of the Convention. Benefits should be payable to the partially unemployed in a way to be determined by national laws or regulations.

Article 10 (voluntary unemployment). Measures should be taken to ensure that the legislation, in accordance with the Convention, authorises disqualification for the receipt of benefit only "for an appropriate period" if the claimant has left his employment voluntarily without just cause (paragraph 2(b)).

\*  
\*   \*

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

**Convention No. 52: Holidays with Pay, 1936**

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

**Convention No. 56: Sickness Insurance (Sea), 1936**

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

With reference to its previous observation, the Committee notes from the information supplied by the Government to the Conference



Committee in 1980 that the draft to amend the Decree concerning the recruitment of seamen (PB 1960, No. 201) with a view to establishing a minimum age of 16 years has now been submitted to the competent authorities. The Committee trusts that it will be adopted in the near future, since there is at present no provision in this field.

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

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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

#### Netherlands

#### Netherlands Antilles

Referring to its previous comments, the Committee notes with interest that a Bill has been drafted to provide for the granting of certificates of capacity to ships' cooks fulfilling the conditions laid down in Articles 2, 3, 4 and 6 of the Convention. The Committee hopes that the Bill will be adopted very shortly and that the Government will provide a copy.

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

**Convention No. 81: Labour Inspection, 1947**NetherlandsNetherlands Antilles

Articles 10, 20 and 21 of the Convention. In reply to the earlier comments of the Committee, the Government states that the prolonged serious shortage of labour inspection staff is the reason why it has not been possible to draw up annual reports of inspection. It is endeavouring, however, to recruit staff sufficiently competent to carry out the work. The Committee takes note of this information. Since the last annual report of inspection relates to the year 1962, it wishes to point out the importance of such reports, which are an essential means of assessing, both nationally and internationally, the practical results of labour inspection activities and, in general, the actual application of labour legislation. Accordingly, it can only urge the Government to take the necessary measures to ensure the publication and transmission to the ILC, within the periods laid down by Article 20 of the Convention, of annual reports of inspection containing all the information called for by Article 21.

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In addition, a request regarding certain points is being addressed directly to the United Kingdom (Antigua).

**Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947**United KingdomBrunei

In its previous requests, the Committee considered that a provision under which the registration of a trade union can be refused when another is considered to be sufficiently representative (section 10(2) of the Trade Union Enactment, 1961, as amended) is not in conformity with the Convention. Furthermore, a provision that prevented the setting up of a federation or confederation covering more than one industry or branch of activity (section 15(1) of the same Enactment) would be in conflict with Article 2 of the Convention.

The Committee notes that the Government states that changes in the legislation are not desirable at this time due to the small size of most enterprises. The Committee also notes the Government's statement that on considering an application for registration, it continues to act in accordance with the spirit of the Convention and that the Government will continue to keep under examination the points raised by the Committee. The Committee hopes that the legislation will be brought into conformity with the Convention.

Furthermore, the Committee requests the Government to continue to supply information on the state of trade union development in the territory and on the practical application of the other provisions of the Convention, in particular, to supply a copy of the new collective agreement made between the Brunei Shell Petroleum Company and the Brunei Oilfield Workers Union.

**Convention No. 87: Freedom of Association and Protection  
of the Right to Organise, 1948**

A general request on certain points is being addressed directly to France.

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

**Convention No. 88: Employment Service, 1948**

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

**Convention No. 94: Labour Clauses (Public Contracts), 1949**

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Jersey).

**Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949**

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

**Convention No. 98: Right to Organise and Collective Bargaining, 1949**

A general request regarding certain points is being addressed directly to France.

Information supplied by the United Kingdom (Hong Kong) in answer to a direct request has been noted by the Committee.

**Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951**

France

Overseas Departments (French Guiana,  
Guadeloupe, Martinique, Reunion)

With reference to its earlier comments, the Committee notes with interest from the Government's report, that the employers and workers in agriculture of the overseas departments are represented on the

Supreme Committee on Collective Agreements by representative organisations covering the whole territory of metropolitan France and the overseas departments, and that three seats out of sixteen are reserved for agriculture in respect of both employers and workers.

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In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, St. Kitts-Nevis).

#### Convention No. 100: Equal Remuneration, 1951

A request regarding certain points is being addressed directly to France (New Caledonia).

#### Convention No. 105: Abolition of Forced Labour, 1957

Requests regarding certain points are being addressed directly to the following States: France (New Caledonia), New Zealand (Niue).

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

#### Convention No. 115: Radiation Protection, 1960

A request regarding certain points is being addressed directly to France (New Caledonia).

#### Convention No. 120: Hygiene (Commerce and Offices), 1964

A request regarding certain points is being addressed directly to France (New Caledonia).

Information supplied by France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

#### Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: Denmark (Greenland), France (French Polynesia, New Caledonia), Netherlands (Netherlands Antilles).

Information supplied by Australia (Norfolk Island) and the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

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**Convention No. 124: Medical Examination of Young Persons (Underground Work)  
1965**

A request regarding certain points is being addressed directly to France (New Caledonia).

**Convention No. 140: Paid Educational Leave, 1974**

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Jersey, St. Kitts-Nevis).

**Convention No. 141: Rural Workers' Organisations, 1975**

Requests regarding certain points are being addressed directly to the United Kingdom (Guernsey, Hong Kong).

**Convention No. 142: Human Resources Development, 1975**

Requests regarding certain points are being addressed directly to the United Kingdom (Gibraltar, Guernsey, Hong Kong).

**Appendix. Receipt of Detailed Reports on Ratified Conventions  
(Non-Metropolitan Territories) as at 25 March 1981**

*(Articles 22 and 35 of the Constitution)*

Reports received: 335      Reports not received: 104      Total: 439

Countries and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i> .....	6		0		
Norfolk Islands .....	6	11, 47, 87, 98, 112, 122	0	—	1.6
<i>Denmark</i> .....	6		9		
Farøe Islands .....	0	—	9	7, 9, 11, 15, 16, 87, 92, 98, 126	38
Greenland .....	6	7, 11, 15, 87, 122, 126	0	—	46
<i>France</i> .....	180		56		
<i>Overseas Departments:</i>					
French Guyana .....	25	3, 8, 9, 15, 22, 23, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 91, 92, 98, 99, 106, 112, 114, 120, 126	3	27, 32, 124	55
Guadeloupe .....	26	3, 8, 9, 11, 15, 22, 23, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 91, 92, 98, 99, 106, 112, 114, 120, 126	3	27, 32, 124	324
Martinique .....	26	ditto	3	ditto	324
Reunion .....	26	ditto	3	ditto	476
St. Pierre and Miquelon ..	31	3, 9, 11, 15, 17, 19, 23, 26, 35, 37, 43, 49, 52, 55, 56, 58, 71, 77, 78, 82, 87, 91, 94, 98, 99, 101, 105, 106, 115, 120, 126	11	2, 22, 36, 38, 44, 63, 81, 88, 96, 122, 124	5
<i>Overseas Territories:</i>					
French Polynesia .....	19	9, 15, 22, 23, 55, 56, 58, 71, 87, 91, 98, 99, 101, 106, 115, 120, 122, 124, 126	15	3, 11, 24, 26, 35, 36, 37, 38, 43, 44, 49, 52, 77, 78, 94	137

For footnotes see end of table.

## REPORT OF THE COMMITTEE OF EXPERTS

Countries and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
New Caledonia . . . . .	27	9, 11, 15, 16, 22, 23, 26, 35, 36, 43, 44, 49, 52, 55, 58, 63, 73, 87, 88, 91, 94, 96, 98, 99, 122, 125, 126	18	3, 13, 24, 37, 38, 56, 71, 77, 78, 100, 101, 105, 106, 108, 115, 120, 123, 124	133
Netherlands . . . . .	0		9		
Netherlands Antilles . . . .	0	—	9	9, 10, 11, 29, 58, 74, 87, 118, 122	218
New Zealand . . . . .	9		0		
Cook Islands . . . . .	3	11, 84, 99	0	—	18
Niue . . . . .	3	11, 84, 99	0	—	3
Tokelau Islands . . . . .	3	29, 82, 105	0	—	1.5
United Kingdom . . . . .	129		31		
Antigua . . . . .	10	7, 11, 17, 19, 59, 81, 84, 87, 97, 98	1	58	65
Belize . . . . .	10	7, 11, 15, 26, 58, 84, 87, 97, 98, 99	0	—	120
Bermuda . . . . .	7	7, 11, 15, 58, 84, 87, 98	0	—	58
British Virgin Islands . . . .	0	—	8	7, 11, 26, 58, 84, 87, 97, 98	9
Brunei . . . . .	6	7, 11, 15, 58, 84, 98	0	—	136
Falkland Islands (Malvinas) . . . . .	0	—	9	7, 11, 26, 35, 36, 58, 84, 87, 98	1.9
Gibraltar . . . . .	10	7, 11, 15, 26, 35, 39, 58, 84, 87, 98	0	—	26
Guernsey . . . . .	16	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 97, 98, 99, 114, 122	0	—	53
Hong Kong . . . . .	17	7, 10, 11, 14, 15, 26, 32, 58, 74, 84, 87, 92, 94, 95, 98, 101, 144	0	—	3,948
Jersey . . . . .	14	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 97, 98, 99	0	—	74
Isle of Man . . . . .	17	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 92, 97, 98, 99, 102, 122	0	—	60

## NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Montserrat . . . . .	9	7, 11, 15, 26, 58, 84, 87, 97, 98	0	—	11
St. Kitts-Nevis-and- Anguilla . . . . .	4	5, 17, 29, 59	13	7, 11, 19, 26, 58, 84, 85, 87, 97, 98, 99, 105, 140	64
St. Helena . . . . .	9	7, 11, 14, 15, 26, 58, 84, 87, 98	0	—	5
United States . . . . .	4		0		
American Samoa . . . . .	1	58	0	—	27
Guam . . . . .	1	58	0	—	84
Puerto Rico . . . . .	1	58	0	—	2,712
Trust Territory of Pacific Islands . . . . .	0	—	0	—	115
Virgin Islands . . . . .	1	58	0	—	62

<sup>1</sup> Source: United Nations: *Demographic Year Book*, 1978.



### **III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)**

#### **Afghanistan**

The Committee notes the information provided by the Government on the proposed measures concerning the instruments adopted at the 64th Session of the Conference. It requests the Government to state whether these instruments have been submitted to the competent authorities, and at the same time provide the relevant information called for at points I and II(a) of the questionnaire appearing on page 4 of the Memorandum adopted by the Governing Body. In addition, the Committee recalls that, according to information supplied earlier by the Government, the instruments adopted from the 52nd to the 63rd Sessions but still pending were being thoroughly examined. It hopes that the Government will soon be able to state that these instruments, and also those adopted at the 65th Session, have been submitted and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

#### **Brazil**

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1980, to the effect that Conventions Nos. 137, 138 and 140 and Recommendations Nos. 145 and 148, adopted at the 58th and 59th Sessions of the Conference, have been submitted to Congress. It hopes that the numerous instruments remaining will be submitted soon and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### **Bulgaria**

The Committee takes note of the information and documents concerning the submission to the Council of State of the instruments adopted at the 65th Session of the Conference. It again expresses the hope that the Government will be able to submit the instruments adopted by the Conference not only to the Council of State, but also to the National Assembly as the legislative body.

#### **Byelorussian SSR**

The Committee notes from the information provided by the Government that the instruments adopted at the 64th and 65th Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet of the Byelorussian SSR.

With regard to the comments it has been making for a number of years on the submission of Conventions and Recommendations to the Supreme Soviet itself as the legislative body, and the communication to the ILO of the information and documents called for in the Memorandum adopted by the Governing Body, the Committee refers to its observations of 1976 and 1977 and hopes that the Government will soon be able to indicate the results of the re-examination of these questions by the authorities concerned.

#### Chad

The Committee hopes that the Government will be able to state in the near future that the instruments adopted from the 55th to the 65th Sessions of the Conference have been submitted to the competent authorities and that, in respect of these instruments, and also of those adopted from the 50th to the 54th Sessions, which have already been submitted, it will provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### Costa Rica

With reference to its previous observation, the Committee notes with interest, from the information supplied by the Government, that several of the instruments adopted at the 54th, 55th, 61st, 62nd, 63rd and 64th Sessions of the Conference have been submitted to the Legislative Assembly. It hopes that the Government will shortly supply a copy of the document by means of which these instruments have been submitted, with indications, in particular, on the proposals made and action taken in connection with them, in accordance with points II (b) and (c) and III of the questionnaire appearing at the end of the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will state whether the remaining instruments adopted at the 64th Session and those adopted at the 65th Session of the Conference have been submitted.

#### El Salvador

The Committee refers to its previous observation and hopes that the Government will be able to provide the information and documents that it has requested concerning the instruments adopted at the 52nd, 55th, 56th and 59th Sessions and to state whether the instruments adopted from the 62nd to the 65th Sessions have been submitted to the competent authorities.

#### Ethiopia

The Committee refers to its previous observation and notes that, following direct contacts in January 1980, an official of the Ministry of Labour and Social Affairs last year followed a study course in the ILO with a view to preparing documents for submission. The Committee also notes the information sent by the Government that the Ministry concerned is in the process of studying and translating these draft documents. The Committee therefore hopes that all the instruments adopted from the 58th to the 65th Sessions of the Conference will be submitted shortly and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Gabon

With reference to its previous observation, the Committee notes the information provided by the Government to the effect that certain instruments adopted at the 56th and 59th Sessions of the Conference, and also those adopted at the 61st Session, have been submitted to the President of the Republic. The Committee hopes that these instruments, in accordance with the practice followed by the Government, will shortly be submitted to the National Assembly as well and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee also hopes that the Government will shortly be able to provide, in respect of the instruments adopted as from the 51st Session of the Conference and submitted to the National Assembly in 1978, a copy of the documents of submission to the Assembly and also information on any decision taken in connection with them, as requested in the above-mentioned Memorandum.

Ghana

With reference to its earlier comments, the Committee notes the explanations provided by a government representative to the Conference Committee in 1980 on the submission of Conventions and Recommendations to the competent authorities. It also notes that an official of the Labour Department carried out a study course in the ILO in October 1980 in order to become familiar with questions concerning submission. The Committee therefore hopes that the Government will soon be able to state that the instruments adopted from the 60th to the 65th Sessions of the Conference have been submitted and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee also hopes that the Government will provide information on any further proposals or measures concerning the instruments adopted from the 50th to the 59th Sessions, which have already been submitted to the competent authorities.

Guinea

The Committee notes that the documents for the submission of the instruments adopted at the 58th, 61st, 62nd, 63rd and 64th Sessions of the Conference and the remaining instruments from the 60th Session (Convention No. 141 and Recommendation No. 149), have been prepared following the direct contacts held in October 1980. It therefore hopes that the Government will soon be able to state that these instruments have been submitted to the competent authorities and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee would also be grateful if the Government would state whether the instruments adopted at the 65th Session of the Conference have been submitted to the competent authorities.

Hungary

The Committee takes note of the information and documents provided by the Government on the submission to the Presidential Council of the instruments adopted at the 62nd and 65th Sessions of the Conference. With reference to its previous observations, the Committee

again expresses the hope that the instruments adopted by the Conference may also be submitted to Parliament as the authority invested by the Constitution of Hungary with full powers in respect of legislation. It notes in this connection the information provided by the Government to the Conference Committee in 1980 to the effect that the authorities have again taken up the study of the matter, which was temporarily suspended because of the revision of the Memorandum, and that a decision is to be taken in the near future. The Committee hopes that the Government will shortly be able to communicate the results of this examination.

#### Indonesia

With reference to its previous observation, the Committee notes from the information and documents provided by the Government that the instruments adopted at the 63rd Session of the Conference have been submitted to Parliament. It hopes that the Government will soon be able to state that the instruments adopted at the 64th Session of the Conference and also those adopted at the 65th Session have been submitted to the competent authorities.

With reference to its earlier observations, the Committee trusts that the Government will shortly provide the information requested concerning its proposals and the decisions of the competent authorities on the instruments adopted from the 52nd to the 56th Sessions of the Conference, which have already been submitted to Parliament.

#### Iraq

The Committee notes the information supplied recently by the Government to the effect that the instruments adopted at the 65th Session of the Conference were about to be submitted to the competent authorities. It hopes that the Government will soon be able to state that these instruments, and also the numerous instruments listed in the last column of the table in Appendix I to this section of the report, have been submitted to the competent authority and that, in respect of them and also of Convention No. 151 and Recommendation No. 159, adopted at the 64th Session, it will provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### Democratic Kampuchea

The Committee takes note of the absence of information concerning the submission to the competent authorities of the instruments adopted by the Conference.

#### Lao Republic

Since the Government has provided no information, the Committee hopes that it will soon be able to state whether the instruments adopted from the 48th to the 65th Sessions of the Conference have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Lebanon

With reference to its earlier comments, the Committee notes the statement by the Government representative to the Conference Committee in 1980 to the effect that the services concerned have completed the preparatory work with a view to submitting to the competent authorities a score of Conventions adopted from the 34th to the 54th Sessions of the Conference and also the Recommendations adopted during the same period. It hopes that the instruments appearing in the last column of the table in Appendix I to the present section will be submitted shortly and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Liberia

With reference to its earlier comments, the Committee takes note with satisfaction of the information and documents provided by the Government on the submission to the People's Redemption Council of numerous instruments adopted from the 31st to the 65th Sessions of the Conference. It hopes that the remaining instruments, which are listed in the last column of the table in Appendix I to this section of the report, will be submitted shortly.

Libyan Arab Jamahiriya

The Committee regrets to note that the Government has not replied to its earlier direct requests. It hopes that the Government will state, in accordance with point II(b) of the Memorandum adopted by the Governing Body, whether, at the time of submission, proposals were made to the competent authority on the measures that might be taken in respect of the instruments adopted from the 56th to the 63rd Sessions of the Conference. The Committee would also be grateful if the Government would state whether the instruments adopted at the 64th and 65th Sessions of the Conference have been submitted to the competent authorities.

Malawi

The Committee refers to its previous observations and to the discussion that took place in the Conference Committee in 1980. It points out that, under article 19, paragraphs 5 and 6, of the Constitution of the ILO, Conventions and Recommendations adopted by the Conference must be brought before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action. Since, under section 35, subsection 2, of the Constitution of Malawi, "the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President", the National Assembly appears to be the competent authority for the enactment of legislation for the purposes of article 19 of the Constitution of the ILO, and Conventions and Recommendations should therefore, as a rule, be submitted to the National Assembly.

The Committee hopes that the Government will be able to re-examine the question, in the light of the comments of the Committee and of the Conference Committee, and that it will submit to the National Assembly the instruments adopted at the 55th and from the 58th to the 65th Sessions of the Conference.

### Malaysia

With reference to its earlier comments, the Committee notes from the information supplied by the Government to the Conference Committee in 1980 that the instruments adopted from the 58th to the 64th Sessions of the Conference have been submitted to the Cabinet for approval and transmission to Parliament. The Committee hopes that the Government will shortly be able to state that all the instruments adopted from the 58th to the 65th Sessions of the Conference have been submitted to Parliament and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

### Malta

With reference to its earlier comments, the Committee notes with satisfaction the information provided by the Government to the effect that various Conventions and Recommendations adopted from the 55th to the 62nd Sessions of the Conference have been submitted to the Chamber of Representatives. It hopes that the remaining instruments will shortly be submitted to the Chamber and that the Government, in respect of all the above-mentioned instruments, will provide the information and documents called for in the Memorandum adopted by the Governing Body.

### Mauritania

With reference to its previous observation, the Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1980, and subsequently, to the effect that all the instruments adopted from the 47th to the 65th Sessions of the Conference and not yet submitted were to be submitted shortly to the Military Committee for National Salvation. The Committee hopes that the Government will soon be able to state that they have been so submitted and that in respect of these instruments it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

### Mauritius

With reference to its previous observation, the Committee takes note of the information and documents provided by the Government on the submission to Parliament of the instruments adopted by the Conference at its 62nd Session. It also takes note of the information concerning the stage reached in the procedure for the submission of the instruments adopted at the 59th and 60th Sessions and from the 63rd to the 65th Sessions, and also the information supplied by the Government to the Conference Committee in 1980 on the measures taken to accelerate the examination of these instruments by the Labour Advisory Board. The Committee hopes that the Government will soon be able to state that the above-mentioned instruments have been submitted to Parliament, and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

### Mongolia

With reference to its previous observations, the Committee notes with interest the information supplied by the Government regarding the submission of the instruments adopted from the 62nd to the 65th

Sessions of the Conference. It requests the Government to provide information regarding the authorities considered competent and their decisions, as well as copies, if possible, of submission documents in accordance with paragraphs 5(c) and 6(c) of article 19 of the ILO Constitution and the Memorandum adopted by the Governing Body (points I and II(b) and (c) and III of the questionnaire). In addition, the Committee once more requests the Government to provide this information and documents concerning the instruments adopted from the 58th to the 61st Sessions, already submitted to the competent authorities.

#### Mozambique

The Committee regrets to note that the Government has not replied to its earlier direct requests. It hopes that the Government will shortly be able to state whether the instruments adopted at the 61st, 62nd, 63rd, 64th and 65th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b) of the Constitution of the ILO. The Committee recalls that the authorities to which these instruments must be submitted are the authorities invested with the power to legislate. The Committee hopes that the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body, particularly as regards the proposals or comments of the Government on the action to be taken on the instruments in question.

#### Nepal

With reference to its previous observation on the submission of instruments to the Cabinet, the Committee recalls that Conventions and Recommendations should normally be submitted to the national Parliament as the body vested with legislative power and that in the case of instruments not requiring action in the form of legislation, it would be desirable to submit these instruments also to the parliamentary body, to ensure that the purpose of submission, which is also to bring Conventions and Recommendations to the knowledge of the public, is fully met. The Committee hopes accordingly that the Government will find it possible to submit all instruments also to Parliament.

The Committee further hopes that the Government will be able to indicate soon that the submission of all instruments adopted from the 51st to 61st Sessions of the Conference has taken place and will communicate in respect of those instruments and also of instruments adopted at the 64th and 65th Sessions, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

#### Nicaragua

The Committee takes note of the information and documents provided by the Government relating to the submission to the Governing Council of Recommendations Nos. 156 to 159, adopted at the 63rd and 64th Sessions of the Conference. It also takes note of the observations of the Chamber of Commerce of Nicaragua and of the reply of the Government to these observations concerning the question as to which are the competent authorities in Nicaragua. The Committee observes in particular that the Governing Council and the Council of State have co-legislative powers, from which it appears desirable that the instruments adopted by the Conference should be submitted both to the Council of State and to the Governing Council. The Committee requests the Government to consider this possibility.

Niger

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1980 concerning the efforts made at present by the Government to submit the instruments adopted at the 51st and from the 56th to 64th Sessions of the Conference to the competent authorities. It hopes that the Government will shortly be able to state that the above-mentioned instruments and also those adopted at the 65th Session have been submitted to the competent authorities and that, in respect of them, it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Portugal

Following its earlier comments, the Committee notes with satisfaction from the information and documents supplied by the Government that all the instruments adopted from the 58th to the 64th Sessions of the Conference have been submitted to the Assembly of the Republic.

Qatar

The Committee notes with regret that the Government has not replied to its previous direct requests. It hopes that the Government will soon indicate whether the remaining instruments adopted at the 58th and 59th Sessions of the Conference as well as those adopted from the 60th to 65th Sessions have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Tanzania

The Committee notes that no further development is indicated in the information supplied by the Government, which only reiterates the statement made by its representative at the Conference Committee in 1980, that the preparatory work has now been completed and a document containing its proposals on the instruments adopted from the 54th to 65th Sessions of the Conference would soon be submitted to the proper authority for further action.

The Committee trusts that the Government will shortly be able to state that the above instruments have been submitted to the competent authority and that it will supply, in respect of these instruments, as well as those adopted from the 47th to 53rd Sessions, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body.

Togo

In the absence of any reply to its previous direct requests, the Committee hopes that the Government will shortly state whether the instruments adopted from the 60th to the 65th Sessions of the Conference have been submitted to the competent authorities and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.



Ukrainian SSR

The Committee notes from the information provided by the Government that the instruments adopted at the 65th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

With regard to the comments it has been making for a number of years on the submission of Conventions and Recommendations to the Supreme Soviet itself as the legislative body, and the communication to the ILO of the information and documents called for in the Memorandum adopted by the Governing Body, the Committee refers to its observations of 1976 and 1977 and hopes that the Government will shortly indicate the results of the re-examination of these questions by the authorities concerned.

Yemen

With reference to its previous observation, the Committee notes from the information communicated by the Government to the Conference Committee in 1980, that the Conventions and Recommendations have been submitted to the People's Council. It again requests the Government to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body, particularly as regards the date of submission of instruments, copies of the documents by means of which they were submitted, and of any proposals made (point II of the questionnaire).

Yugoslavia

With reference to its earlier comments, the Committee notes the information provided by the Government to the effect that instruments adopted at various sessions of the Conference will be submitted to the Federal Assembly at the same time as the Bills that are now being drawn up to ratify several Conventions.

The Committee hopes that the Government will shortly be able to state that all the instruments pending have been submitted to the Federal Assembly and that in respect of them it will communicate the information and documents called for in the Memorandum adopted by the Governing Body.

Zaire

Further to its previous observations, the Committee has noted the statement of a Government representative to the Conference Committee in 1980, to the effect that the submission document had been transmitted to the President of the Republic, and that it was for the President to bring it before the Legislative Council.

The Committee notes that, under the terms of article 79 of the national Constitution, "the power to initiate legislation is vested concurrently" in the President of the Republic and "in each member of the Legislative Council". It consequently again expresses the hope that the instruments submitted to the President will also be brought before the Legislative Council.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Burma, Burundi, United Republic of Cameroon, Canada, Cape Verde, Central African Republic, Comoros, Congo, Cuba, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Guatemala, Guinea-Bissau, Guyana, Iceland, Iran, Ireland, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Luxembourg, Madagascar, Mali, Morocco, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Papua-New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, USSR, United Arab Emirates, United Kingdom, Upper Volta, Uruguay, Venezuela, Zambia.

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit  
Conventions and Recommendations to the Competent Authorities**

*(31st to 65th Sessions of the International Labour Conference, 1948-79)<sup>1</sup>*

*Note.* The number of the Convention or Recommendation is given in parentheses, preceded by the letter "C" or "R" as the case may be, when only some of the texts adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Afghanistan .....	31 to 51, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136) and 58 to 60	52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 61, 62, 63, 64 and 65
Algeria .....	47 to 64	65
Angola .....	61 to 65	—
Argentina .....	31 to 65	—
Australia .....	31 to 65	—
Austria .....	31 to 64	65
Bahamas .....	61 to 63	64 and 65
Bahrain .....	63 to 65	—
Bangladesh .....	58 to 65	—
Barbados .....	51 to 65	—
Belgium .....	31 to 64	65
Benin .....	45 to 64	65
Bolivia .....	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62	60 (R 151), 63, 64 and 65
Botswana .....	—	64 and 65
Brazil .....	31 to 45, 46 (C 117, 118; R 116), 47 (C 119), 48 (C 120, 121, 122; R 120), 49 (C 123, 124; R 124, 125), 50 (C 125; R 126), 51 (C 127; R 128, 131), 53 (R 133, 134), 55 (C 133, 134; R 139), 56 (C 135, 136; R 144), 58 (C 137, 138; R 145) and 59 (C 140; R 148)	46 (R 117), 47 (R 118, 119), 48 (R 121, 122), 49 (R 123), 50 (C 126; R 127), 51 (C 128; R 129, 130), 52, 53 (C 129, 130), 54, 55 (R 137, 138, 140, 141, 142), 56 (R 143), 58 (R 146), 59 (C 139; R 147), 60, 61, 62, 63, 64 and 65
Bulgaria .....	31 to 64	65

<sup>1</sup> The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

## REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Burma .....	31 to 63	64 and 65
Burundi .....	47 to 61, 62 (R 153, 154), 64 (C 150, 151) and 65	62 (C 145, 146, 147; R 155), 63 and 64 (R 158, 159)
Byelorussian SSR .....	37 to 65	—
United Republic of Cameroon .....	44 to 65	—
Canada .....	31 to 64	65
Cape Verde .....	—	65
Central African Republic .....	45 to 63	64 and 65
Chad .....	45 to 54	55, 56, 58, 59, 60, 61, 62, 63, 64 and 65
Chile .....	31 to 65	—
Colombia .....	31 to 39, 40 (C 105, 106, 107; R 103), 41 (C 109; R 105, 106, 108), 42 to 44, 45 (C 116), 46 (C 118), 47 (C 119), 48 (C 120, 121, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127), 52, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134; R 141), 56 (C 135, 136) and 58 to 65	40 (R 104), 41 (C 108; R 107, 109), 45 (R 115), 46 (C 117; R 116, 117), 47 (R 118, 119), 48 (R 120, 121, 122), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (C 128; R 128, 129, 130, 131), 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 142) and 56 (R 143, 144)
Comoros .....	—	65
Congo .....	45 to 53, 54 (C 131, 132), 55 (C 133, 134), 56, 58 (C 138; R 146), 59, 63 (C 149; R 157) and 64	54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 58 (C 137; R 145), 60, 61, 62, 63 (C 148; R 156) and 65
Costa Rica .....	31 to 63 and 64 (C 150; R 158)	64 (C 151; R 159) and 65
Cuba .....	31 to 62, 63 (C 148; R 156) and 64	63 (C 149; R 157) and 65
Cyprus .....	45 to 64	65
Czechoslovakia .....	31 to 65	—
Democratic Kampuchea	53, 54 and 56	55, 58, 59, 60, 61, 62, 63, 64 and 65
Democratic Yemen ....	53 to 61	62, 63, 64 and 65
Denmark .....	31 to 65	—
Djibouti .....	64 and 65	—
Dominican Republic ....	31 to 61	62, 63, 64 and 65
Ecuador .....	31 to 64	65
Egypt .....	31 to 65	—
El Salvador .....	31 to 61	62, 63, 64 and 65
Ethiopia .....	31 to 53, 54 (C 131, 132; R 135), 55 and 56	54 (R 136), 58, 59, 60, 61, 62, 63, 64 and 65
Fiji .....	59 and 60	61, 62, 63, 64 and 65

# SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Finland .....	31 to 64	65
France .....	31 to 65	—
Gabon .....	45 to 50, 51 (C 127, 128; R 128), 53, 54 (C 131, 132; R 135), 56 (C 135; R 143), 58, 60, 61, 62 (C 145, 146, 147; R 153, 155), 63 and 64	51 (R 129, 130, 131), 52, 54 (R 136), 55, 56 (C 136; R 144), 59, 62 (R 154) and 65
German Democratic Republic .....	59 to 65	—
Germany (Federal Republic) .....	34 to 62, 63 (C 149; R 157), and 64 (C 150; R 158)	63 (C 148; R 156), 64 (C 151; R 159) and 65
Ghana .....	40 to 59	60, 61, 62, 63, 64 and 65
Greece .....	31 to 44, 45, 46 (C 118), 47 to 61 and 62 (C 147; R 155)	46 (C 117; R 117), 62 (C 145, 146; R 153, 154), 63, 64 and 65
Guatemala .....	31 to 64	65
Guinea .....	43 to 56, 59 and 60 (C 142, 143; R 150, 151)	58, 60 (C 141; R 149), 61, 62, 63, 64 and 65
Guinea-Bissau .....	—	63, 64 and 65
Guyana .....	50 to 64	65
Haiti .....	31 to 65	—
Honduras .....	39 to 65	—
Hungary .....	31 to 65	—
Iceland .....	31 to 62	63, 64 and 65
India .....	31 to 65	—
Indonesia .....	33 to 63	64 and 65
Iran .....	31 to 61	62, 63, 64 and 65
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REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
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Jordan .....	39 to 65	—
Kenya .....	48 to 63	64 and 65
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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)
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Morocco .....	39 to 65	—
Mozambique .....	—	61, 62, 63, 64 and 65
Nepal .....	54 (C 131), 62, 63, 64 and 65	51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60 and 61
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Panama .....	31 to 65	—
Papua-New Guinea ....	61 to 63	64 and 65
Paraguay .....	40 to 61	62, 63, 64 and 65
Peru .....	31 to 64	65
Philippines .....	31 to 65	—
Poland .....	31 to 62 and 63 (C 149; R 157)	63 (C 148; R 156), 64 and 65
Portugal .....	31 to 64	65
Qatar .....	58 (C 137, 138; R 145) and 59 (R 147)	58 (R 146), 59 (C 139, 140; R 148), 60, 61, 62, 63, 64 and 65
Romania .....	39 to 65	—
Rwanda .....	47 to 65	—
Saudi Arabia .....	61 to 65	—

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Senegal . . . . .	44 to 65	—
Seychelles . . . . .	—	63, 64 and 65
Sierra Leone . . . . .	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64 and 65
Singapore . . . . .	50 to 64	65
Somalia . . . . .	45 to 64	65
Spain . . . . .	39 to 60, 61 (R 152) and 62	61 (C 144), 63, 64 and 65
Sri Lanka . . . . .	31 to 61	62, 63, 64 and 65
Sudan . . . . .	39 to 64	65
Suriname . . . . .	61	62, 63, 64 and 65
Swaziland . . . . .	60 to 65	—
Sweden . . . . .	31 to 64 and 65 (C 152; R 160)	65 (C 153; R 161)
Switzerland . . . . .	31 to 65	—
Syrian Arab Republic . . .	31 to 58 (C 138; R 146), 59 and 60 (C 141, 143; R 149, 151)	58 (C 137; R 145), 60 (C 142; R 150), 61, 62, 63, 64 and 65
Tanzania . . . . .	46 to 53	54, 55, 56, 58, 59, 60, 61, 62, 63, 64 and 65
Thailand . . . . .	31 to 60	61, 62, 63, 64 and 65
Togo . . . . .	44 to 59	60, 61, 62, 63, 64 and 65
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# 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)
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Zambia .....	49 to 64	65

## Appendix II. Over-all position of member States at 25 March 1981

Sessions at which decisions were adopted	Number of States in which, according to information supplied by Government			
	All the texts have been submitted	Some of these texts have been submitted	None of these texts have been submitted (including cases in which no information has been supplied by the Government)	Number of States which were Members of the Organisation at the time of the session
31 (June 1948) .....	58	2	—	60
32 (June 1949) .....	58	3	—	61
33 (June 1950) .....	60	— <sup>1</sup>	3	63
34 (June 1951) .....	62	2	—	64
35 (June 1952) .....	63	3	—	66
36 (June 1953) .....	64	—	2	66
37 (June 1954) .....	66	— <sup>1</sup>	3	69
38 (June 1955) .....	66	1	2	69
39 (June 1956) .....	73	—	3	76
40 (June 1957) .....	73	4	—	77
41 (April/May 1958) .....	75	1	3	79
42 (June 1958) .....	77	2	—	79
43 (June 1959) .....	77	2	1	80
44 (June 1960) .....	81	1	1	83
45 (June 1961) .....	97	4	—	101
46 (June 1962) .....	96	6	—	102
47 (June 1963) .....	101	5	2	108
48 (June/July 1964) .....	105	4	1	110
49 (June 1965) .....	109	4	1	114
50 (June 1966) .....	108	5	2	115
51 (June 1967) .....	111	6	—	117
52 (June 1968) .....	109	— <sup>1</sup>	9	118
53 (June 1969) .....	112	7	2	121
54 (June 1970) .....	110	10	1	121
55 (October 1970) .....	103	8	10	121
56 (June 1971) .....	106	8	7	121
58 (June 1973) .....	98	8	17	123
59 (June 1974) .....	107	3	15	125
60 (June 1975) .....	103	3	20	126
61 (June 1976) .....	99	—	32	131
62 (October 1976) .....	88	2	42	132
63 (June 1977) .....	80	5	50	135
64 (June 1978) .....	73	5	58	136
65 (June 1979) .....	44	2	93	139

<sup>1</sup> At this session the Conference adopted one Recommendation only.



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