

Report III
(Parts 1, 2 and 3)

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

Summary of Reports

(Articles 19, 22 and 35 of the Constitution)



ISBN 92-2-103126-8
ISSN 0074-6681

First published 1983

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

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

Printed by the International Labour Office, Geneva, Switzerland

Table of contents

	<u>Page</u>
Part 1: Summary of reports on ratified Conventions (Articles 22 and 35 of the Constitution)	1
Part 2: Summary of reports on Conventions Nos. 87, 98, 141 and Recommendation No. 149 (Article 19 of the Constitution): Freedom of association, collective bargaining and rural workers' organisations	15
Part 3: Summary of information relating to the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference (Article 19 of the Constitution).	23

Part 1

Summary of reports on
ratified Conventions

(Articles 22 and 35 of the Constitution)

Introduction

Article 22 of the Constitution of the International Labour Organisation provides that "each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request". Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 22, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

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

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

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

The present summary refers to reports for the period ending 30 June 1982.

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

SUMMARY OF REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS RECEIVED

- A. First reports after ratification of the Convention concerned.
- B. Reports containing information on important changes in the implementation of Conventions, or information supplied in reply to observations or direct requests made by the Committee of Experts.
- C. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- D. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Afghanistan	137, 140, 141, 142	-	-	-
Algeria	-	14, 32, 44, 56, 62, 71, 77, 78, 97, 111, 119, 122	11, 13, 24, 87, 94, 95, 98	-
Angola	98	14, 81, 100, 106, 107	1	12, 45, 104
Argentina	-	71, 88, 105, 107, 111, 115, 139, 142	21, 22, 77, 87, 98	8, 11, 14, 52, 78
Australia	144	81	11, 21, 22, 42	8
Norfolk Island	-	122	-	87, 98
Austria	142	111, 122	25, 87, 98, 144	11, 21, 24, 94, 101, 124
Bahamas	144	21, 94, 105	97, 98	11, 14, 95, 117
Bahrain	14	-	-	-
Bangladesh	-	29, 87, 98, 106, 144	107	11, 14, 21, 22, 111
Barbados	-	42, 102, 111, 115, 122, 128	87, 98, 101	11, 22, 94, 95, 97
Belgium	-	56, 111, 120, 122, 124	1, 22, 23, 26, 43, 55, 87, 91, 95, 98, 100, 101, 114, 123	8, 11, 13, 14, 21, 62, 94, 99, 115
Benin	-	29, 111	18	11, 14, 41, 85, 87, 98, 100, 105

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Bolivia	117, 124, 128, 129, 136	81, 87, 120	95, 98, 102	14, 45
Brazil	-	21, 29, 42, 97, 105, 107, 111, 117, 122	98	11, 22, 52, 95, 101, 106, 115, 124
Bulgaria	138	111	81	8, 11, 14, 21, 22, 23, 24, 25, 52, 55, 56, 71, 77, 78, 87, 94, 95, 98, 106, 124
Burma	-	29	2, 14, 22, 87	6, 11, 17, 21, 42, 52
Burundi	-	17, 29, 42, 59, 81, 90, 94, 105	11, 64	14, 50, 52, 89, 101
Byelorussian SSR	138, 142, 149	124	77, 78	11, 14, 52, 87, 95, 98, 106, 111, 115
Cameroon, United Rep. of	-	29, 105, 143	98	87
Canada	-	111, 122, 87	14, 26, 69, 74	8, 22
Cape Verde	29, 100, 111	-	98	-
Central African Republic	-	87, 88, 94, 95, 100, 105, 117, 119	14, 18, 29, 98, 111	2, 6, 11, 17, 33, 41, 52, 81, 101, 104, 140
Chile	-	2, 24, 25, 35, 36, 37, 38	8, 11	14, 22
Colombia	-	9, 18, 24, 25, 29, 81, 88, 95, 107, 129	3, 12, 21, 87, 98, 99, 111	8, 11, 14, 17, 23, 26, 52, 101, 106
Comoros	14, 81, 95, 106	100, 122	87	11, 29, 105
Congo	-	29	-	11, 14, 87, 95, 119
Costa Rica	-	87, 94, 95, 107	130	11, 98, 106, 111, 114, 117
Cuba	148, 150, 151	52, 81, 88, 101, 106, 111, 122, 142, 145	77, 78, 98, 140	8, 11, 14, 21, 22, 23, 87, 94, 97, 107

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Cyprus	-	29, 106, 119, 122	87, 95, 98, 144	11, 44, 94, 97, 114, 124
Czechoslovakia	77, 78, 124, 136, 142	111, 122	87, 130	11, 14, 21, 52, 98, 115, 140
Democratic Yemen	-	58	98	26
Denmark	27, 73, 134, 147	29, 42, 81, 88, 100, 106, 111, 122, 129, 130, 139, 144	12, 14, 52, 87, 98	8, 11, 21, 94, 105, 135
Farøe Islands	-	16	-	-
Greenland	-	122	-	11, 14, 87, 106, 126
Djibouti	14, 94, 95, 106	29, 81, 100, 105	22, 44	11, 52, 87, 98, 101
Dominican Republic	-	77, 88, 95, 111	87, 98	52, 106, 107
Ecuador	144	77, 78, 81, 97, 115	86, 87, 98, 106, 111, 117, 124	11, 101, 103, 141
Egypt	-	29, 87, 95, 98, 105 106, 111, 131	11, 14, 52, 94, 101, 115	107
El Salvador	-	105, 107	12	104
Ethiopia	-	87	-	11, 98, 111
Fiji	-	-	84	8, 11, 98
Finland	147, 150, 151	8, 111, 122, 128, 130, 144	14, 52, 87, 98, 115	11, 21, 22, 94, 137
France	147	78, 81, 87, 97, 122, 129, 145, 146	14, 22, 24, 52, 55, 71, 95, 98, 101, 114, 124, 140	8, 11, 106, 115, 127, 137

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
<u>Overseas Departments:</u>				
French Guyana	-	32, 81	22, 24, 87, 101, 114	8, 14, 52, 55, 56, 71, 94, 95, 98, 106, 115, 124
Guadeloupe	-	32, 81	22, 24, 87, 101, 114	8, 11, 14, 52, 55, 56, 71, 94, 95, 98, 106, 115, 124
Martinique	-	32, 81	22, 24, 87, 101, 114	8, 11, 14, 52, 55, 56, 71, 94, 95, 98, 106, 115, 124
Réunion	-	32, 81	22, 24, 55, 87, 101, 114	8, 11, 14, 52, 56, 71, 94, 95, 98, 106, 115, 124
St. Pierre and Miquelon	-	24, 37, 38, 56, 78, 81, 122, 126	22, 44, 87, 101, 114	11, 14, 52, 55, 58, 71, 94, 95, 98, 106, 115, 122, 124
<u>Overseas Territories</u>				
French Polynesia	-	24, 77, 78, 122	22, 95, 98	11, 14, 44, 52, 55, 56, 71, 84, 91, 94, 99, 101, 106, 115, 123, 124
New Caledonia	-	35, 36, 52, 77, 78, 98	22, 24, 37, 38, 44, 82, 87, 101	11, 14, 55, 56, 71, 84, 94, 95, 106, 124
Gabon	150	111	52, 87, 95, 101, 124	11, 14, 98, 106
German Democratic Republic	124, 138, 142	77, 78, 122	115	11, 23, 47, 87, 95, 98, 140
Germany, Federal Republic of	142, 147	22, 97, 111, 122, 130, 144	23, 56, 87, 98, 114, 115, 140	8, 11, 132
Ghana	-	22, 29, 50, 64, 81, 94, 119	87, 88	8, 11, 14, 23, 45, 65, 89, 90, 98, 100, 106, 107, 111, 115, 117
Greece	23, 147	42, 87, 98	11, 52, 95	8, 14, 55

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Guatemala	-	81, 88, 105, 110, 119, 120	77, 78, 87, 95	98, 101, 106, 114
Guinea	135	3, 5, 13, 29, 33, 45, 62, 81, 89, 90, 105, 113, 115, 117, 119, 121, 122, 136, 140, 142	94, 111, 120	11, 14, 87, 95, 132, 134, 139, 143
Guinea-Bissau	26	14, 58, 88, 91, 92, 98, 106, 107, 111	-	-
Guyana	-	26, 29, 105, 116	87, 98	11, 82, 94, 95, 97, 111
Haiti	-	29, 81, 100, 111	12, 17, 24, 25, 98	14, 42, 77, 78, 106, 107
Honduras	-	29, 78	87	14, 95, 98, 106, 111
Hungary	-	122, 145	52, 77, 78, 87, 98, 101, 124, 140	14, 21, 24, 95, 111, 115
India	-	26, 29, 88, 107	115, 144	11, 14, 21, 22
Iran	-	95	-	14, 106, 111
Ireland	142, 144	29, 87, 105, 122, 132, 138	11, 22, 23, 44, 99	8, 12, 14, 21, 45, 63, 98
Israel	138, 141, 142, 150	29, 78, 111	95	14, 52, 77, 87, 94, 97, 98, 101, 106, 117
Italy	141, 142, 144	29, 81, 100, 115, 122	2, 71, 77, 78, 79, 87, 89, 98	12, 42, 105, 114, 124
Ivory Coast	-	111	98	87
Jamaica	-	8, 29, 81, 94, 100, 111, 117	87	11
Japan	-	134	22, 87, 115	8

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Jordan	135, 142	29, 81, 100, 105, 106, 111, 118, 120, 122, 124	98, 117	-
Kenya	-	29, 63, 105	-	-
Kuwait	-	1, 29, 30, 52, 106, 111, 117	-	87, 89
Lebanon	29, 105	-	-	-
Lesotho	-	29	87, 98	11, 14
Liberia	22	23, 29, 55, 58, 92, 104, 111, 113, 114	87, 98, 105	-
Libyan Arab Jamahiriya	-	-	-	98
Luxembourg	130	29, 78, 121, 132	24, 25, 77, 98	8, 11, 14, 21, 22, 23, 87
Madagascar	-	81, 124, 127	87, 111	6, 11, 14, 29, 41, 95, 100, 117, 120, 123, 129, 132
Malawi	-	-	26, 64, 65, 99, 100	11, 12, 50, 86, 97, 98, 104, 107, 111
Malaysia	-	95	-	11, 94, 97, 98
Mali	-	29	-	11, 14, 52, 87, 95, 98, 111
Malta	-	29, 111	22, 87, 95	8, 11, 98
Mauritania	-	81	17, 18, 26	87
Mauritius	-	8, 17, 29, 42, 81, 94	12, 95, 98	11, 14, 84, 97, 105
Mexico	-	9, 22, 23, 107, 118, 124, 142, 144	21, 27	8, 11, 14, 52, 55, 106, 111, 140
Mongolia	-	-	-	98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Morocco	100, 129, 145, 146	81, 94, 111	55, 98, 106	2, 11, 14, 22, 52, 101
Mozambique	-	88, 100, 105	17, 18	-
Nepal	-	100	-	-
Netherlands	142	81, 88, 111, 122, 129, 137, 140, 144, 145	21, 24, 25, 71, 87, 95, 101, 131, 135	8, 11, 13, 14, 22, 27, 44, 94, 106, 115, 124
Netherlands Antilles	-	58	-	-
New Zealand	69, 145	8, 29, 88, 122	11, 14, 22, 44, 52, 97, 101	21, 23
Tokelau Islands	-	-	-	29, 65, 104, 105
Nicaragua	-	1, 24, 25, 30, 77, 78, 111	87, 95	11, 14, 21, 22, 23, 98
Niger	-	-	-	119
Nigeria	-	26, 81	-	8, 11, 87, 94, 98
Norway	143, 145, 147	97, 111, 142	2, 14, 22, 56, 71, 87, 98, 130, 132, 144	11, 21, 44
Pakistan	-	22, 29, 107, 111	-	11, 14, 21, 87, 98, 106
Panama	-	8, 22, 52, 55, 88, 94, 117, 127	56, 87, 98	11, 21, 23, 71, 77, 78, 111, 124
Papua New Guinea	-	8, 22, 29, 105, 122	2, 12, 42	11, 45, 85, 98
Paraguay	-	1, 117	77, 78, 98	11, 14, 52, 87, 101, 106, 111, 115, 124
Peru	-	1, 8, 22, 24, 25, 44, 69, 77, 78, 81, 114	56, 87, 98	11, 14, 29, 68, 79, 90, 101, 105
Philippines	-	94, 98, 105, 111, 122	23, 87, 95	110, 141
Poland	113, 134, 135, 149	11, 29, 87, 95, 98, 111, 122, 140	14, 17, 26, 99, 103, 138	8, 12, 19, 23, 25, 77, 78, 101, 115, 124

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Portugal	8	81, 87, 88, 97, 98, 111, 143	14, 106	11, 24, 107
Qatar	-	111	-	-
Romania	-	9, 29, 108, 111, 122	-	8, 11, 14, 24, 87, 95, 117, 134, 135
Rwanda	81, 100	-	94	11, 14
St. Lucia	-	17	-	-
Senegal	-	122	52	11, 14, 52, 87, 89, 95, 98, 100, 101, 111, 117, 135
Seychelles	-	2	26, 99	7, 15, 29, 50, 58, 64, 65, 108
Sierra Leone	-	8, 17, 29, 88, 100, 105, 111, 119	22, 59, 101	45, 50, 64, 65, 86, 87, 94, 98
Singapore	-	-	-	11, 94, 98
Somalia	-	29, 105	17	22
Spain	147, 148	44, 55, 78, 87, 122, 132, 140	8, 14, 22, 23, 56, 77, 94, 97, 98, 101, 106, 114, 115, 117, 124	11, 24, 25, 95
Sri Lanka	-	29	26	11, 135
Sudan	-	29, 81, 95, 105, 111, 117	98	-
Suriname	144	81, 94, 106, 118	11, 14	87, 95, 101
Swaziland	-	11, 14, 29, 87, 98	-	-
Sweden	147, 149, 150, 151	88, 111, 115, 122	8, 14, 21, 130, 144	11, 87, 98, 132, 140, 146
Switzerland	-	44, 102, 111, 115, 128	14	8, 11, 23, 87

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Syrian Arab Republic	-	95, 105, 111, 115	18, 94	11, 14, 17, 52, 101, 107, 124
Tanzania	-	29, 81, 105	-	11, 94, 95, 98, 101
Thailand	-	29, 105	88	-
Togo	-	29	-	6, 41, 85
Tunisia	-	8, 22, 23, 55, 77, 119, 124	87	11, 14, 52, 98, 106, 107, 111, 114
Turkey	-	11, 88, 94, 98, 119, 122	95	14, 111, 115
Ukrainian SSR	138, 142	124	98	11, 14, 23, 52, 77, 78, 87, 95, 106, 111, 115
USSR	138, 142, 149	111, 124	14, 77, 78, 106	11, 23, 52, 87, 95, 98, 115
United Kingdom	147, 150, 151	8, 81, 94, 122, 140, 144	24, 25, 56, 87, 95, 98, 101, 124	11, 22, 44, 64, 114, 115
Anguilla	-	-	-	84
Bermuda	-	-	22, 82	11, 84, 87, 98, 115
Brunei	-	-	-	12, 50, 64, 65, 86, 95
Gibraltar	150, 151	8, 29, 42, 100, 142	44	2, 11, 12, 17, 22, 45, 82, 84, 86, 87, 88, 98, 105, 135
Guernsey	-	12, 17, 25, 29	2, 22, 24, 42, 44, 94, 98, 114, 115, 142	8, 11, 50, 64, 65, 86, 87, 97, 105, 122, 135, 141
Hong Kong	97	8, 81, 94, 142	14, 22, 32, 95, 101, 124, 144	10, 11, 74, 84, 87, 115
Jersey	-	17, 29	2, 44, 56, 94	8, 11, 12, 22, 24, 25, 42, 50, 64, 65, 81, 86, 87, 88, 95, 97, 98, 105, 115, 140

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Isle of Man	-	17, 122	2, 8, 22, 42, 56	11, 12, 24, 25, 29, 44, 50, 65, 81, 86, 87, 88, 94, 95, 97, 98, 105
Montserrat	-	-	-	11, 84, 87, 98
St. Helena	150, 151	8, 17, 29	82	11, 12, 24, 64, 65, 84, 85, 86, 87, 98, 105
St. Kitts-Nevis	-	-	-	64, 84
United States	-	53, 74	55	-
Upper Volta	-	29, 87	-	98
Uruguay	137, 139, 149	22, 94, 105, 114, 119, 122, 132, 136	11, 87, 95, 97, 98, 121, 130	8, 14, 23, 106
Venezuela	-	22, 29, 111	3, 98	5, 6, 11, 14, 21, 41, 45
Yemen	-	105	-	-
Yugoslavia	-	45, 89, 97, 111, 122, 132	24, 25, 87	8, 11, 14, 22, 23, 56, 90, 98, 106, 114
Zaire	-	29, 88, 94, 95, 117, 119	12	11, 14, 84, 98
Zambia	103, 122, 141, 144, 150, 151	29, 95, 97, 105, 111, 138	18, 86, 117, 124	11, 12, 17

Part 2

Summary of reports on Conventions Nos. 87,
98, 141 and Recommendation No. 149

(Article 19 of the Constitution)

Freedom of association, collective bargaining
and rural workers' organisations

Introduction

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States. Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 19, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

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

At its 218th (November 1981) Session, the Governing Body decided to discontinue the publication of summaries of reports on unratified Conventions and on Recommendations and to publish only a list of reports received, on the understanding that the Director-General would make available for consultation at the Conference the originals of all reports received and that copies of reports would be available to members of delegations on request.

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

The reports which are listed below concern the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Rural Workers' Organisations Convention (No. 141) and Recommendation (No. 149), 1975.

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1982.

The report of the Committee of Experts on the Application of Conventions and Recommendations which will be submitted to the Conference at its 69th (1983) Session, will include a general survey on the reports on the above-mentioned Convention and Recommendation (Report III, Part 4B).

Summary of reports on Conventions Nos 87, 98, 141 and
Recommendation No. 149 received

Member States	Convention No. 87	Convention No. 98	Convention No. 141	Recommendation No. 149
Afghanistan	-	-	R	-
Algeria	R	R	X	X
Angola	-	R	-	-
Argentina	R	R	X	X
Australia	R	R	X	X
Austria	R	R	R	X
Bahamas	X	R	X	-
Bahrain	X	X	X	X
Bangladesh	R	R	X	X
Barbados	R	R	X	X
Belgium	R	R	X	X
Benin	R	R	-	-
Bolivia	R	R	-	-
Botswana	-	-	-	-
Brazil	X	R	X	X
Bulgaria	R	R	X	X
Burma	R	-	-	-
Burundi	X	X	X	X
Byelorussian SSR	R	R	X	X
United Republic of Cameroon	R	R	X	X
Canada	R	X	X	X
Cape Verde	X	R	X	X
Central African Republic	R	R	X	-
Chad	R	R	-	-
Chile	X	X	X	X
China	-	R	-	-
Colombia	R	R	X	X
Comoros	R	R	X	-
Congo	R	-	-	-
Costa Rica	R	R	-	-
Cuba	R	R	R	X
Cyprus	R	R	R	X
Czechoslovakia	R	R	X	X
Democratic Yemen	-	R	-	-
Denmark	R	R	R	-
Djibouti	R	R	X	X
Dominican Republic	R	R	X	-
Ecuador	R	R	R	X
Egypt	R	R	X	X
El Salvador	X	X	X	X
Equatorial Guinea	-	-	-	-
Ethiopia	R	R	X	X
Fiji	-	R	-	-
Finland	R	R	R	X
France	R	R	X	X
Gabon	R	R	X	X
German Democratic Republic	R	R	X	X
Federal Republic of Germany	R	R	R	X
Ghana	R	R	X	X

Member States	Convention No. 87	Convention No. 98	Convention No. 141	Recommendation No. 149
Greece	R	R	X	X
Grenada	-	R	-	-
Guatemala	R	R	X	X
Guinea	R	R	-	-
Guinea-Bissau	X	R	X	X
Guyana	R	R	R X	X
Haiti	R	R	X	X
Honduras	R	R	-	-
Hungary	R	R	X	X
Iceland	R	R	X	-
India	X	X	R	X
Indonesia	X	R	X	X
Iran	-	-	-	-
Iraq	-	R	-	-
Ireland	R	R	X	X
Israel	R	R	R	-
Italy	R	R	R	X
Ivory Coast	R	R	-	-
Jamaica	R	R	X	X
Japan	R	R	X	X
Jordan	-	R	-	-
Democratic Kampuchea	-	-	-	-
Kenya	-	R	R	-
Kuwait	R	X	X	X
Lao Republic	-	-	-	-
Lebanon	X	R	X	X
Lesotho	R	R	-	-
Liberia	R	R	X	X
Libyan Arab Jamahiriya	-	R	-	-
Luxembourg	R	R	X	X
Madagascar	R	X	X	X
Malawi	X	R	X	X
Malaysia	X	R	X	X
Mali	R	R	X	X
Malta	R	R	X	X
Mauritania	R	-	-	-
Mauritius	-	R	-	-
Mexico	R	X	R	X
Mongolia	R	R	X	X
Morocco	X	R	X	X
Mozambique	-	-	-	-
Namibia	-	-	-	-
Nepal	-	-	-	-
Netherlands	R	X	R	X
New Zealand	X	X	X	X
Nicaragua	R	R	R X	X
Niger	R	R	-	-
Nigeria	R	R	-	-
Norway	R	R	R	X
Pakistan	R	R	X	X
Panama	R	R	X	X
Papua New Guinea	X	R	X	X
Paraguay	R	R	-	-
Peru	R	R	-	-
Philippines	R	R	R	X
Poland	R	R	X	X
Portugal	R	R	X	X

Member States	Convention No. 87	Convention No. 98	Convention No. 141	Recommendation No. 149
Qatar	X	X	X	X
Romania	R	R	X	X
Rwanda	X	X	X	X
Saint Lucia	R	R	-	-
Saudi Arabia	X	X	X	X
Senegal	R	R	X	X
Seychelles	R	-	-	-
Sierra Leone	R	R	-	-
Singapore	X	R	X	X
Somalia	-	-	-	-
Spain	R	R	R	X
Sri Lanka	X	R	-	-
Sudan	-	R	-	-
Suriname	R	X	X	-
Swaziland	R	R	-	-
Sweden	R	R	R	X
Switzerland	R	X	R	X
Syrian Arab Republic	R	R	-	-
Tanzania	X	R	X	X
Thailand	-	-	-	-
Togo	R	X	X	X
Trinidad and tobago	R	R	-	-
Tunisia	R	R	X	X
Turkey	X	R	X	X
Uganda	-	R	-	-
Ukrainian SSR	R	R	X	X
United Arab Emirates	-	-	-	-
United Kingdom	R	R	R	X
United States	X	X	X	X
Upper Volta	R	R	X	X
Uruguay	R	R	X	X
USSR	R	R	X	X
Venezuela	R X	R	X	-
Viet Nam	-	-	-	-
Yemen	R	R	-	-
Yugoslavia	R	R	X	X
Zaire	-	R	-	-
Zambia	X	X	R	-
Zimbabwe	X	X	X	X

Note : A total of five reports have been received from the following Non-Metropolitan Territories: United Kingdom (Bermuda, Gibraltar, Hong-Kong, Montserrat, St. Helena).

R = Ratified Conventions
X = Reports received
- = Reports not recieved

Part 3

Summary of information relating to the
submission to the competent authorities of
Conventions and Recommendations adopted
by the International Labour Conference

(Article 19 of the Constitution)

Introduction

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 67th Session held in Geneva from 3 to 24 June 1981.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 24 June 1982 and the period of 18 months on 24 December 1982.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 66th Sessions (1948 to 1980). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 68th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the information submitted under article 19 of the Constitution, is communicated separately to the Conference as Report III (Part 4A).

List of instruments adopted by the Conference at its
58th to 67th Sessions¹

58th Session (1973)

Dock Work Convention (No. 137).
Minimum Age Convention (No. 138).
Dock Work Recommendation (No. 145).
Minimum Age Recommendation (No. 146).

59th Session (1974)

Occupational Cancer Convention (No. 139).
Paid Educational Leave Convention (No. 140).
Occupational Cancer Recommendation (No. 147).
Paid Educational Leave Recommendation (No. 148).

60th Session (1975)

Rural Workers' Organisations Convention (No. 141).
Human Resources Development Convention (No. 142).
Migrant Workers (Supplementary Provisions) Convention (No. 143).
Rural Workers' Organisations Recommendation (No. 149).
Human Resources Development Recommendation (No. 150).
Migrant Workers Recommendation (No. 151).

61st Session (1976)

Tripartite Consultation (International Labour Standards)
Convention (No. 144).
Tripartite Consultation (Activities of the International
Labour Organisation) Recommendation (No. 152).

62nd Session (1976)

Continuity of Employment (Seafarers) Convention (No. 145).
Seafarers' Annual Leave with Pay Convention (No. 146).
Merchant Shipping (Minimum Standards) Convention (No. 147).
Protection of Young Seafarers Recommendation (No. 153).
Continuity of Employment (Seafarers) Recommendation (No. 154).
Merchant Shipping (Improvement of Standards) Recommendation
(No. 155).

63rd Session (1977)

Working Environment (Air Pollution, Noise and Vibration)
Convention (No. 148).
Nursing Personnel Convention (No. 149).
Working Environment (Air Pollution, Noise and Vibration)
Recommendation (No. 156).
Nursing Personnel Recommendation (No. 157).

¹ A list of the instruments adopted from the 31st to the 57th Sessions of the Conference will be found in the corresponding Report III (Part 3) presented to previous sessions of the Conference.

64th Session (1978)

Labour Administration Convention (No. 150).
Labour Relations (Public Service) Convention (No. 151).
Labour Administration Recommendation (No. 158).
Labour Relations (Public Service) Recommendation (No. 159).

65th Session (1979)

Occupational Safety and Health (Dock Work) Convention (No. 152).
Hours of Work and Rest Periods (Road Transport Convention
(No. 153)).
Occupational Safety and Health (Dock Work) Recommendation
(No. 160).
Hours of Work and Rest Periods (Road Transport) Recommendation
(No. 161).

66th Session (1980)

Older Workers Recommendation (No. 162).

67th Session (1981)

Collective Bargaining Convention (No. 154).
Occupational Safety and Health Convention (No. 155).
Workers with Family Responsibilities Convention (No. 156).
Collective Bargaining Recommendation (No. 163).
Occupational Safety and Health Recommendation (No. 164).
Workers with Family Responsibilities Recommendation (No. 165).

Summary of information relating to the submission
to the competent authorities of the Conventions
and Recommendations adopted by the International
Labour Conference at its 67th Session (Geneva, 1981)
and supplementary information on the texts adopted
at its 31st to 66th Sessions (1948 to 1980)

Argentina. The instruments adopted at the 67th Session of the Conference have been submitted to the President of the Republic.

Australia. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 14 December 1982.

Bahamas. The instrument adopted at the 66th Session of the Conference has been submitted to the Cabinet.

Bahrain. The instruments adopted at the 67th Session of the Conference were submitted to the Council of Ministers on 19 April 1982.

Barbados. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 6 October 1981.

Belgium. The instrument adopted at the 66th Session of the Conference was submitted to Parliament on 29 March 1982.

Bulgaria. The instruments adopted at the 67th Session of the Conference have been submitted to the Council of State and communicated to the members of the National Assembly.

Burma. The instrument adopted at the 66th Session of the Conference was submitted to the People's Assembly on 15 March 1982.

Burundi. The instruments adopted at the 67th Session of the Conference were submitted to the President of the Republic on 19 August 1981. The ratification of Conventions Nos. 155 and 156 has been proposed.

Byelorussian SSR. The instruments adopted at the 67th Session of the Conference were submitted to the Presidium of the Supreme Soviet in May 1982.

United Republic of Cameroon. The instruments adopted at the 67th Session of the Conference were submitted to the National Assembly on 16 April 1982.

Central African Republic. The instruments adopted at the 64th, 66th and 67th Sessions of the Conference were submitted to the Council of Ministers in April and November 1982. The ratification of Conventions Nos. 150, 151, 154, 155 and 156 has been proposed.

Chile. The instruments adopted at the 67th Session of the Conference were submitted to the Junta on 26 August 1982.

Cuba. Conventions Nos. 152 and 155, adopted at the 65th and 67th Sessions of the Conference, respectively, have been ratified.

Djibouti. The instruments adopted at the 67th Session of the Conference were submitted to the National Assembly on 11 October 1981.

Egypt. The instruments adopted at the 67th Session of the Conference were submitted to the People's Assembly on 22 August 1981.

Finland. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 21 May 1982. Conventions Nos. 154 and 156 have been ratified.

France. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 27 December 1982. Ratification of Conventions Nos. 154, 155 and 156 may be considered.

Gabon. Conventions Nos. 97, 103, 118, 128, 130, 132 to 134, 136, 138 to 144 and 150, as well as Recommendations Nos. 129 to 132, 136 to 138, 140 to 142, 144, 147, 148 and 154 were submitted to the National Assembly in 1979 and 1981.

German Democratic Republic. The instruments adopted at the 67th Session of the Conference have been submitted to the People's Chamber.

Greece. Recommendation No. 117 adopted at the 46th Session of the Conference, the instruments adopted at the 65th Session and Convention No. 154 and Recommendation No. 163 adopted at the 67th Session have been submitted to Parliament.

Guatemala. The instruments adopted at the 67th Session of the Conference were submitted to Congress on 8 January 1982.

Guinea. The instruments adopted at the 58th Session and from the 61st to the 67th Sessions of the Conference, as well as those left over from the 60th Session, were submitted to the National Assembly on 1 January 1982. Conventions Nos. 148 to 152 have been ratified. The ratification of Conventions Nos. 138 and 144 has been proposed.

Iceland. The instruments adopted at the 65th and 66th Sessions of the Conference were submitted to the Althing on 25 November 1982.

India. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 5 November 1982.

Israel. The instruments adopted at the 66th and 67th Sessions of the Conference have been submitted to Parliament.

Japan. The instruments adopted at the 67th Session of the Conference were submitted to the Diet on 18 May 1982.

Jordan. The instrument adopted at the 66th Session of the Conference has been submitted to the Council of Ministers.

Kuwait. The instruments adopted at the 67th Session of the Conference were submitted to the Council of Ministers on 20 April 1982.

Luxembourg. The instruments adopted at the 67th Session of the Conference were submitted to the Chamber of Deputies on 25 May 1982.

Madagascar. The instruments adopted at the 67th Session of the Conference were submitted to the People's National Assembly on 12 May 1982.

Mexico. The instruments adopted at the 67th Session of the Conference were submitted to the competent legislative authorities on 22 December 1982.

Morocco. The instruments adopted at the 67th Session of the Conference have been submitted to the Chamber of Representatives.

Netherlands. Convention No. 154 and Recommendation No. 163, adopted at the 67th Session of the Conference, were submitted to Parliament on 30 September 1982.

New Zealand. The instruments adopted at the 67th Session of the Conference were submitted to the House of Representatives on 15 December 1982.

Nicaragua. The instruments adopted at the 67th Session of the Conference were submitted to the Junta on 25 August 1981.

Norway. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 14 May 1982. Conventions Nos. 154, 155 and 156 have been ratified.

Panama. The instruments adopted at the 67th Session of the Conference were submitted to the National Assembly on 9 November 1981.

Poland. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 23 January 1982.

Romania. The instruments adopted at the 67th Session of the Conference have been submitted to the competent authorities.

Rwanda. The instruments adopted at the 67th Session of the Conference were submitted to the President of the Republic on 21 December 1982.

Saudi Arabia. The instruments adopted at the 67th Session of the Conference have been submitted to the Council of Ministers.

Senegal. The instruments adopted at the 67th Session of the Conference were submitted to the National Assembly on 28 June 1982. Ratification of Convention No. 154 has been proposed.

Singapore. The instrument adopted at the 66th Session of the Conference was submitted to Parliament on 10 August 1982.

Somalia. The instruments adopted at the 67th Session of the Conference have been submitted to the People's National Assembly. The ratification of Conventions Nos. 155 and 156 has been recommended.

Sri Lanka. The instruments adopted at the 65th and 66th Sessions of the Conference were submitted to Parliament on 5 March and 19 August 1982, respectively.

Swaziland. The instruments adopted at the 67th Session of the Conference were submitted to the House of Assembly on 27 January 1982.

Sweden. The instruments adopted at the 66th and 67th Sessions of the Conference were submitted to Parliament on 25 March 1982. Conventions Nos. 154, 155 and 156 have been ratified.

Switzerland. The instruments adopted at the 67th Session of the Conference were submitted to the two Chambers on 24 November 1982. Ratification of Convention No. 154 has been proposed.

Suriname. The instruments adopted at the 63rd Session of the Conference were submitted to the Council of Ministers on 6 May and 16 June 1982.

Syrian Arab Republic. Convention No. 142 and Recommendation No. 150, adopted at the 60th Session of the Conference, and the instruments adopted at the 61st Session have been submitted to the People's Council. Convention No. 144 has been ratified.

Tanzania. The instruments adopted from the 54th to the 65th Sessions of the Conference have been submitted to the competent authority.

Togo. The instruments adopted from the 60th to the 65th Sessions of the Conference were submitted to the President of the Republic on 13 December 1982. Ratification of Conventions Nos. 141 to 144, 146, 148 to 151 and 153 has been proposed.

Trinidad and Tobago. The instruments adopted at the 63rd Session of the Conference were submitted to the House of Representatives on 13 August 1982 and to the Senate on 17 August 1982.

Turkey. The instruments adopted at the 67th Session of the Conference were submitted to the Consultative Assembly on 29 January 1982 and to the National Security Council on 28 April 1982.

Ukrainian SSR. The instruments adopted at the 66th and 67th Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet.

USSR. The instruments adopted at the 65th, 66th and 67th Sessions of the Conference have been submitted to the Presidium.

United Kingdom. The instruments adopted at the 67th Session of the Conference were submitted to Parliament in December 1982.

Upper Volta. The instruments adopted at the 66th and 67th Sessions of the Conference were submitted to the Council of Ministers on 17 February 1982.

Uruguay. The instruments adopted at the 65th Session of the Conference and Convention No. 154 and Recommendation No. 163, adopted at the 67th Session, have been submitted to the State Council.

Venezuela. The instruments adopted at the 67th Session of the Conference have been submitted to Congress.

Yugoslavia. The instruments adopted at the 66th and 67th Sessions of the Conference were submitted to the Federal Assembly on 17 May 1982. Ratification of Conventions Nos. 155 and 156 has been proposed.

Zambia. The instruments adopted at the 65th and 66th Sessions of the Conference have been submitted to the National Assembly.

Zimbabwe. The instruments adopted at the 67th Session of the Conference have been submitted to the House of Assembly.

International Labour Conference
69th Session 1983

Report III
(Part 4 A)

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

Report of the Committee of Experts
on the Application
of Conventions and Recommendations
(Articles 19, 22 and 35 of the Constitution)

General Report
and Observations concerning Particular Countries

ISBN 92-2-103127-6
ISSN 0074-6681

First published 1983

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

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

CONTENTS

	<u>Page</u>
Index to comments made by the Committee, by country	VII

PART ONE

GENERAL REPORT

I. <u>Introduction</u>	3
II. <u>General</u>	7
Membership of the Organisation	7
Participation of the People's Republic of China in the standard-setting activities of the ILO	7
New Conventions and Recommendations	8
Obligations binding member States	8
Functions in regard to other international and regional instruments	9
International Covenant on Economic, Social and Cultural Rights	9
European Code of Social Security	9
Collaboration with other international organisations	10
Application of Conventions to offshore industrial installations	11
Application of Conventions in export processing zones ...	12
Regional examination of the application of standards	14
Seminars on national and international labour standards .	15
Constitutional procedures of complaint and other procedures	16
Implementation of the Employment Policy Convention, 1964 (No. 122)	17

	<u>Page</u>
III. <u>Action for the elimination of discrimination</u>	20
IV. <u>Procedure of direct contacts and other forms of assistance to governments</u>	20
V. <u>Role of employers' and workers' organisations</u>	22
Observations by employers' and workers' organisations ...	22
VI. <u>Reports on ratified Conventions</u> (articles 22 and 35 of the Constitution)	25
Supply of reports	25
Reports requested and received	25
Compliance with reporting obligations	26
Late reports	26
Supply of first reports	27
Replies to comments of the supervisory bodies	27
Examination of reports	28
Observations and direct requests	28
Practical application	29
Cases of progress	30
VII. <u>Submission of Conventions and Recommendations to the competent authorities</u> (article 19 of the Constitution) ..	31
67th Session	31
31st to 66th Sessions	32
Comments by the Committee and replies from governments ..	32
Special problems	33
Submission of certain instruments to the competent bodies of the European Communities	33
VIII. <u>Reports on unratified Conventions and Recommendations</u> (article 19 of the Constitution)	33

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. <u>Observations concerning annual reports on ratified Conventions</u> (article 22 of the Constitution)	37
A. General observations	37

CONTENTS

	<u>Page</u>
B. Individual observations	42
Appendix I. Receipt of detailed reports on ratified Conventions (States Members) as at 23 March 1983	271
Appendix II. Statistical table of reports on ratified Conventions as at 23 March 1983	280
II. <u>Observations on the application of Conventions in non- metropolitan territories</u> (article 22 and article 35, paragraphs 6 and 8, of the Constitution)	281
A. General observations	281
B. Individual observations	282
Appendix. Receipt of detailed reports on ratified Conventions (non-metropolitan territories) as at 23 March 1983	297
III. <u>Observations concerning the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference</u> (article 19 of the Constitution)	300
Appendix I. Information supplied by governments with regard to the obligation to submit Conventions and Recommendations to the competent authorities	309
Appendix II. Over-all position of member States at 23 March 1983	316

PART THREE

GENERAL SURVEY ON THE APPLICATION OF THE CONVENTIONS ON FREEDOM OF ASSOCIATION AND ON THE RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, AND THE CONVENTION AND THE RECOMMENDATION CONCERNING RURAL WORKERS' ORGANISATIONS

This Part of the Report is published in a separate volume as Report III
(Part 4E).

INDEX TO COMMENTS MADE BY THE COMMITTEE; BY COUNTRY

Country	Observations made by the Committee (published in the present Report) ¹	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report) ²
Afghanistan	General Report, para. 105, 113, 136. I A and B, No. 95. III.	Art. 22, general. Art. 22 Nos. 111, 139, 140, 141, 142.
Albania	I A.	
Algeria	I B, Nos. 13, 32, 44, 62, 87, 111, 119.	General Report, para. 88. Art. 22, general. Art. 22, Nos. 10, 24, 56, 62, 71, 77, 78, 87, 94, 98, 101, 111. Subm.
Angola	I B, No. 106.	Art. 22, Nos. 1, 81, 98, 100, 107. Subm.
Argentina	I B, Nos. 32, 87, 88, 98, 105, 111.	Art. 22, general. Art. 22, Nos. 71, 105, 139.
Australia	I B, Nos. 81, 122.	Art. 22, Nos. 42, 81, 144. Art. 35, No. 122.
Austria	I B, Nos. 95, 98.	Art. 22, No. 98. Subm.
Bahamas	I B, No. 22.	Art. 22, Nos. 94, 98, 105, 117, 144. Subm.
Bangladesh	General Report, para. 88. I A and B, Nos. 87, 107.	Art. 22, general. Art. 22, Nos. 22, 98, 106, 107, 111, 144. Subm.
Barbados	I B, No. 42.	Art. 22, Nos. 87, 98, 111, 115, 122. Subm.
Belgium	I B, Nos. 87, 98, 111, 122.	Art. 22, Nos. 77, 98, 111, 123. Subm.
Benin	I B, No. 18.	Art. 22, general. Art. 22, Nos. 29, 105, 111. Subm.

¹ The roman numerals and letters refer to sections of Part Two of this Report and the arabic numerals to the numbers of the Conventions.

² The abbreviations used in respect of direct requests are the following:

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

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

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

The numbers refer to Conventions.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Bolivia	General Report, paras. 88, 111, 113. I A and B, Nos. 81, 87, 107. III.	Art. 22, Nos. 81, 88, 89, 90, 98, 100, 102, 106, 107, 111, 117, 118, 120, 122, 123, 124, 128, 129, 130, 136.
Botswana	III.	
Brazil	I B, No. 98. III.	Art. 22, general. Art. 22, Nos. 42, 94, 97, 117.
Bulgaria	I B, No. 87. III.	Art. 22, general. Art. 22, Nos. 81, 111.
Burma	I B, Nos. 17, 52, 87.	General Report, para. 88. Art. 22, general. Art. 22, Nos. 6, 29. Subm.
Burundi	I B, Nos. 29, 90, 94, 105.	Art. 22, general. Art. 22, Nos. 14, 29, 81, 105. Subm.
Byelorussian SSR	I B, Nos. 52, 87.	Art. 22, general. Art. 22, Nos. 111, 122, 124, 138, 142, 149.
Cameroon, United Republic of	General Report, para. 113. I A and B, Nos. 87, 94.	Art. 22, Nos. 77, 78, 87, 98, 122, 132, 143, 146.
Canada		Art. 22, No. 87. Subm.
Cape Verde		Art. 22, Nos. 81, 98, 100. Subm.
Central African Republic	General Report, para. 88. I A and B, Nos. 18, 29, 33, 41, 52, 62, 81, 87, 94, 105, 119.	Art. 22, general. Art. 22, Nos. 17, 19, 29, 87, 88, 95, 100, 105, 117, 118. Subm.
Chad	General Report, paras. 106, 113, 136, 140. I A and B, Nos. 29, 81, 87, 98, 105, 111. III.	Art. 22, Nos. 29, 52, 81, 100, 105, 111.
Chile	I B, Nos. 24, 25, 35, 36, 37, 38, 111, 122, 127.	Art. 22, Nos. 2, 9, 122.
Colombia	I B, Nos. 3, 9, 12, 14, 17, 18, 22, 24, 25, 29, 87, 107, 111.	Art. 22, Nos. 24, 25, 29, 62, 81, 87, 88, 95, 98, 99, 106, 129, 136. Subm.
Comoros		General Report, para. 88. Art. 22, general. Art. 22, Nos. 14, 29, 81, 87, 98, 100, 105, 106, 122. Subm.

INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Congo	I B, Nos. 87, 119. III.	Art. 22, No. 29.
Costa Rica	I B, Nos. 87, 95, 98. III.	Art. 22, general. Art. 22, Nos. 1, 87, 94, 95, 98, 130.
Cuba	I B, Nos. 52, 81, 87, 101, 122.	Art. 22, Nos. 81, 88, 122, 142, 148, 150. Subm.
Cyprus	I B, Nos. 106, 114, 119.	Art. 22, Nos. 87, 95, 98, 111, 119, 122, 143. Subm.
Czechoslovakia	I B, Nos. 87, 111.	Art. 22, Nos. 111, 122, 124, 130, 136, 142.
Democratic Yemen	I A. III.	Art. 22, No. 98.
Denmark	I B, No. 122. II A and B, No. 16.	Art. 22, Nos. 29, 42, 81, 129, 134, 135, 144. Art. 35, Nos. 8, 9, 105, 122, 126. Subm.
Djibouti		Art. 22, Nos. 14, 24, 44, 77, 78, 81, 87, 94, 106, 124. Subm.
Dominican Republic	I B, Nos. 77, 87, 88, 95, 98.	Art. 22, Nos. 95, 111. Subm.
Ecuador	I B, Nos. 77, 78, 87, 98, 115.	Art. 22, general. Art. 22, Nos. 11, 81, 101, 114, 115, 144. Subm.
Egypt	I B, Nos. 87, 94, 95, 106.	Art. 22, general. Art. 22, Nos. 95, 98, 111.
El Salvador	III.	Art. 22, No. 107.
Ethiopia	General Report, para. 136. I B, No. 87. III.	General Report, para. 88. Art. 22, general. Art. 22, Nos. 87, 98, 111.
Fiji	General Report, para. 136. III.	Art. 22, Nos. 84, 98.
Finland	I B, Nos. 8, 98, 111, 122, 128, 130, 145, 148.	Art. 22, Nos. 130, 144, 147, 150.
France	I B, Nos. 22, 56, 81, 122, 129, 145, 146. II B, Nos. 22, 35, 36, 37, 38, 44, 52, 77, 78, 81, 115.	Art. 22, general. Art. 22, Nos. 122, 129, 134, 137, 145, 147. Art. 35, Nos. 19, 24, 29, 32, 36, 44, 77, 78, 94, 98, 115, 122, 124. Subm.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Gabon	I B, Nos. 87, 98. III.	Art. 22, Nos. 11, 87, 95, 111, 124, 150. Subm.
German Democratic Republic		Art. 22, Nos. 87, 111, 124, 138.
Germany, Federal Republic of	I B, Nos. 22, 87, 111, 122, 135.	Art. 22, Nos. 97, 111, 130. Subm.
Ghana	I B, Nos. 87, 94, 111, 115, 119.	Art. 22, Nos. 22, 50, 64, 81, 89, 111, 117. Subm.
Greece	I B, Nos. 87, 95, 98, 147.	Art. 22, Nos. 11, 23, 42, 87. Subm.
Grenada	General Report, paras. 105, 113. I A.	Art. 22, Nos. 19, 29, 81, 98, 105. Subm.
Guatemala	I B, Nos. 87, 88, 94, 95, 98, 105, 110, 119, 120.	Art. 22, general. Art. 22, Nos. 81, 105, 110. Subm.
Guinea	General Report, para. 140. I B, Nos. 3, 5, 13, 29, 33, 62, 81, 90, 94, 105, 111, 113, 114, 119, 120, 121, 122, 136. III.	Art. 22, general. Art. 22, Nos. 29, 87, 105, 111, 113, 115, 132, 134, 135, 136, 139, 140, 142, 143.
Guinea-Bissau	I B, No. 98.	Art. 22, Nos. 26, 68, 88, 91, 92, 107, 108, 111. Subm.
Guyana		Art. 22, Nos. 87, 95, 111, 115. Subm.
Haiti	I B, Nos. 24, 25, 29, 81, 105.	Art. 22, Nos. 81, 87, 98, 100. Subm.
Honduras	General Report, para. 140. I B, No. 87.	Art. 22, Nos. 87, 108, 111. Subm.
Hungary	I B, No. 87.	Art. 22, general. Art. 22, Nos. 111, 122. Subm.
Iceland	General Report, paras. 105, 113. I A and B, No. 100.	Art. 22, No. 111. Subm.
India	I B, Nos. 26, 88, 115.	Art. 22, Nos. 88, 107, 111, 115.
Indonesia	I B, No. 98.	Art. 22, No. 106. Subm.

INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Iran	I B, No. 111.	General Report, para. 88. Art. 22, general. Art. 22, Nos. 95, 106, 111, 122. Subm.
Iraq	General Report, paras. 105, 111, 113. I A and B, Nos. 1, 8, 17, 22, 30, 81. III.	Art. 22, general. Art. 22, Nos. 1, 15, 23, 29, 78, 92, 100, 105, 111, 115, 118, 122, 132.
Ireland	I B, Nos. 23, 87, 122, 132, 144.	Art. 22, Nos. 29, 122, 132, 138, 142, 144. Subm.
Israel		Art. 22, Nos. 29, 78, 111, 136, 138, 141, 142, 150.
Italy	I A and B, Nos. 32, 81, 89, 108, 122, 127.	Art. 22, Nos. 45, 79, 81, 95, 97, 100, 142, 144. Subm.
Ivory Coast	General Report, paras. 105, 113. I A and B, No. 52. III.	Art. 22, Nos. 87, 98, 111.
Jamaica	General Report, para. 136. I B, Nos. 8, 81, 87. III.	Art. 22, general. Art. 22, Nos. 29, 81, 94, 98, 100, 111, 117, 122.
Japan	I B, Nos. 87, 98.	
Jordan	I B, Nos. 81, 119.	Art. 22, Nos. 29, 81, 98, 105, 106, 111, 117, 118, 120, 122, 124, 135, 142. Subm.
Democratic Kampuchea	General Report, paras. 106, 140. I A. III.	
Kenya	General Report, paras. 105, 111, 113. I A and B, Nos. 29, 105. III.	Art. 22, Nos. 29, 63, 81, 105.
Kuwait	I B, Nos. 1, 30, 52, 87, 106, 119.	Art. 22, general. Art. 22, Nos. 87, 117, 119.
Lao Republic	General Report, paras. 106, 140. I A. III.	
Lebanon	General Report, paras. 105, 113. I A. III.	Art. 22, Nos. 1, 15, 30, 52, 77, 78, 95, 98, 106, 111, 115, 120, 122, 131.
Lesotho	I B, No. 64.	Art. 22, Nos. 11, 87, 98. Subm.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Liberia	I A and B, Nos. 55, 58, 87, 98, 112, 113, 114. III.	Art. 22, Nos. 22, 23, 58, 92, 111, 113. Subm.
Libyan Arab Jamahiriya .	General Report, paras. 105, 113, 140. I A and B, Nos. 3, 52, 95, 98, 122.	Art. 22, Nos. 102, 103, 111, 122, 128, 130, 138. Subm.
Luxembourg		Art. 22, Nos. 29, 77, 78, 121, 130, 132. Subm.
Madagascar	I B, Nos. 29, 119, 122, 127.	Art. 22, general. Art. 22, Nos. 29, 81, 87, 100, 111, 120, 122, 124, 129, 132. Subm.
Malawi	General Report, para. 136. III.	Art. 22, general. Art. 22, No. 111.
Malaysia	I B, No. 98. III.	Art. 22, Nos. 14, 95.
Mali		Art. 22, Nos. 29, 87, 111. Subm.
Malta	I B, No. 87.	Art. 22, Nos. 87, 111. Subm.
Mauritania	General Report, para. 113. I A and B, Nos. 62, 81, 87, 94. III.	Art. 22, Nos. 81, 111, 122.
Mauritius	I B, Nos. 8, 17, 94, 98. III.	Art. 22, general. Art. 22, Nos. 17, 42, 81, 95.
Mexico	I B, Nos. 9, 22, 87.	Art. 22, Nos. 87, 107, 118, 144.
Mongolia	III.	Subm.
Morocco	I B, Nos. 52, 94.	Art. 22, Nos. 81, 98, 100, 106, 111, 129, 146. Subm.
Mozambique	General Report, paras. 105, 113, 136, 140. I A. III.	Art. 22, Nos. 11, 18, 30, 88, 100, 111.
Namibia	General Report, para. 140.	Subm.
Nepal	General Report, paras. 105, 113. I A. III.	Art. 22, Nos. 100, 111.
Netherlands	I B, Nos. 87, 111, 122. II A and B, Nos. 17, 33, 58, 81, 94.	Art. 22, Nos. 81, 87, 111, 122, 129, 140, 142. Art. 35, Nos. 94, 106, 122. Subm.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
New Zealand	I B, Nos. 11, 44, 88, 122. II A.	Art. 22, Nos. 52, 97, 122. Art. 35, No. 105.
Nicaragua	I B, Nos. 1, 8, 30, 87, 95, 105. III.	Art. 22, general. Art. 22, Nos. 24, 25, 77, 78, 95, 98.
Niger	General Report, para. 113. I A and B, No. 119.	Art. 22, Nos. 111, 119, 138. Subm.
Nigeria	I B, Nos. 81, 87, 98. III.	Art. 22, Nos. 26, 81, 87, 97.
Norway	I B, No. 111.	Art. 22, Nos. 8, 87, 98, 115, 142, 143, 145, 148.
Pakistan	I A and B, Nos. 22, 87, 98, 107.	Art. 22, Nos. 87, 107, 111. Subm.
Panama	I B, Nos. 8, 22, 55, 87, 94, 98, 127.	Art. 22, Nos. 22, 52, 55, 56, 88, 114, 117, 127.
Papua New Guinea		Art. 22, Nos. 8, 22, 29, 42, 98, 105, 122. Subm.
Paraguay	I B, Nos. 1, 87, 98, 107.	Art. 22, Nos. 77, 78, 107, 111, 117. Subm.
Peru	I B, Nos. 1, 22, 24, 25, 44, 55, 56, 62, 68, 69, 81, 87.	Art. 22, general. Art. 22, Nos. 69, 77, 78, 81, 107, 114, 139. Subm.
Philippines	I B, Nos. 87, 94.	Art. 22, Nos. 23, 94, 95, 98, 110, 111, 122. Subm.
Poland	General Report, para. 88. I A and B, Nos. 11, 29, 87, 98, 111.	Art. 22, Nos. 29, 87, 95, 103, 111, 122, 134, 138, 145, 149.
Portugal	I B, No. 98.	Art. 22, Nos. 8, 81, 87, 88, 97, 143. Subm.
Qatar	III.	Art. 22, No. 111.
Romania	I B, No. 87.	Art. 22, Nos. 29, 87, 108, 111, 122, 134, 135. Subm.
Rwanda	I B, Nos. 11, 94.	Art. 22, Nos. 81, 100. Subm.
Saint Lucia	General Report, paras. 105, 113. I A.	Art. 22, Nos. 17, 87, 95, 98. Subm.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Saudi Arabia		Art. 22, No. 106.
Senegal		Art. 22, Nos. 87, 111.
Seychelles	General Report, para. 113. I B, No. 8. III.	Art. 22, Nos. 2, 29, 58, 87, 105.
Sierra Leone	I B, Nos. 8, 15, 17, 29, 59, 81, 88, 111, 119, 125. III.	Art. 22, Nos. 29, 95, 100, 101, 105, 111.
Singapore	I B, Nos. 8, 98.	Subm.
Somalia	General Report, para. 113. I A and B, No. 22.	Art. 22, Nos. 29, 84, 94, 95, 105, 111. Subm.
Spain	I B, Nos. 44, 98, 119, 122, 131.	Art. 22, Nos. 55, 56, 77, 78, 87, 97, 115, 122, 140, 147, 148. Subm.
Sri Lanka	General Report, para. 113. I A and B, Nos. 98, 135.	Art. 22, Nos. 8, 29. Subm.
Sudan		Art. 22, Nos. 29, 81, 98, 105. Subm.
Suriname	I B, Nos. 81, 112, 118.	Art. 22, Nos. 81, 94, 106, 122, 144. Subm.
Swaziland	I B, Nos. 87, 95, 98.	Art. 22, Nos. 87, 98.
Sweden	I B, No. 8.	Art. 22, Nos. 88, 122, 149, 150.
Switzerland		Art. 22, Nos. 44, 102, 111, 115, 128.
Syrian Arab Republic . . .	General Report, para. 113. I B, Nos. 87, 95, 96, 105, 106.	Art. 22, Nos. 88, 94, 111, 115, 117. Subm.
Tanzania	I B, Nos. 81, 98. III.	Art. 22, No. 85.
Thailand	General Report, paras. 105, 113. I A and B, No. 127.	Art. 22, Nos. 29, 88, 122. Subm.
Togo	General Report, paras. 105, 113. I A and B, No. 29. III.	Art. 22, Nos. 26, 29. Subm.
Trinidad and Tobago . . .	General Report, paras. 105, 113. I A and B, Nos. 87, 98.	Art. 22, Nos. 87, 111. Subm.

INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Tunisia	I B, Nos. 55, 119.	Art. 22, general. Art. 22, Nos. 8, 22, 23, 77, 87, 111, 117, 119, 124. Subm.
Turkey	I B, Nos. 95, 98, 111, 119.	Art. 22, Nos. 11, 88, 94, 122. Subm.
Uganda	General Report, paras. 105, 113. I A.	Art. 22, Nos. 94, 95, 98, 122, 124. Subm.
Ukrainian SSR	I B, Nos. 52, 87.	Art. 22, Nos. 111, 122, 124, 138, 142, 149.
USSR	I B, Nos. 29, 52, 87, 111, 122.	Art. 22, Nos. 29, 87, 95, 111, 122, 124, 138, 142, 149.
United Arab Emirates . .		Subm.
United Kingdom	I B, Nos. 26, 44, 122, 140. II A and B, Nos. 8, 17, 42, 84, 95.	Art. 22, Nos. 8, 81, 140, 144, 147, 148, 150. Art. 35, Nos. 17, 24, 25, 44, 56, 81, 82, 87, 94, 95, 97, 98, 100, 108, 122, 140, 142. Subm.
United States		Art. 22, general. Art. 22, No. 53.
Upper Volta	General Report, para. 113. I A and B, No. 18.	General Report, para. 88. Art. 22, general. Art. 22, Nos. 29, 87, 95, 131, 132, 143. Subm.
Uruguay	I B, Nos. 22, 87, 94, 98, 105, 114, 119.	Art. 22, Nos. 94, 105, 121, 130, 131, 132, 136, 139. Subm.
Venezuela	I B, Nos. 3, 22.	
Viet Nam		Subm.
Yemen	General Report, paras. 105, 113. I A. III.	Art. 22, Nos. 29, 81, 87, 98, 100, 111, 131, 132, 135.
Yugoslavia	I B, No. 111.	Art. 22, Nos. 45, 89, 111, 122, 132, 136.
Zaire	I B, Nos. 29, 88, 119.	Art. 22, Nos. 29, 84, 94, 95, 98, 117, 119. Subm.
Zambia		Art. 22, Nos. 29, 100, 103, 138, 141, 144, 150. 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 53rd Session in Geneva from 10 to 23 March 1983. The Committee has the honour to present its report to the Governing Body.

2. The Committee notes that Mr. Beitzke has ceased to be a member of the Committee. It pays tribute to his great ability and to the contribution he has made during a long period to the work of the Committee.

3. The Governing Body appointed Mrs. Badria AL-AWADHI, Mr. Bernd von MAYDELL and Mr. Kéba M'BAYE as members of the Committee, which was pleased to welcome them to its present session.

4. The present composition of the Committee is as follows:

The Right Honourable Sir Adetokunbo ADEMOJA, GCON, KBE, Kt, 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; former Chairman of 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; Chairman of the Committee on Freedom of Association 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;

Mrs. Badria AL-AWADHI (Kuwait),

Doctor of Public International Law, London University; Professor and former Dean of the Faculty of Law, Kuwait; member of the International Commission of Jurists; member of the International Federation of Women Lawyers; member of the Arab Committee for

the Defence of Human Rights; Legal Consultant of the Regional Organisation for the Protection of the Maritime Environment, Kuwait;

Mr. Prafullachandra Natvarlal BHAGWATI (India),

Judge of the Supreme Court of India; former Chief Justice of the High Court of Gujarat; former Chairman, Legal Aid Committee and Judicial Reforms Committee, Government of Gujarat; former Chairman, Committee on Juridicare, Government of India; Chairman, Research Committee of the Indian Law Institute; member of the Executive Committee of the Indian Branch of the International Law Association; Chairman of the Committee appointed by the Government of India for implementing legal aid schemes in the country; member of the International Committee on Human Rights of the International Law Association;

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

Chief Justice of Barbados; former 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. Semion A. IVANOV (USSR),

Head of the Labour Law Department at the Institute of State and Law of the Academy of Sciences of the USSR; Doctor of Legal Science, Professor, Scientist Emeritus of the RSFSR; member of the Advisory Council of the USSR Supreme Court; Vice-President of the International Society of Labour Law and Social Security Law; President of the Soviet Section of Labour Law and Social Security Law; former Professor of the International Faculty for the Teaching of Comparative Law (Strasbourg); member of the USSR Government delegation to the International Labour Conference from 1956 to 1976;

Mr. Bernd Baron von MAYDELL (Federal Republic of Germany),

Professor of Civil Law, Labour Law and Social Security Law at the University of Bonn; former Professor of Social Security Law at the Free University of Berlin (1975-81); Director of the Institute of Labour Law and Social Security Law at the University of Bonn;

Mr. Kéba MBAYE (Senegal),

Judge of the International Court of Justice; First Honorary President of the Supreme Court of Senegal; member of the Permanent Court of Arbitration; Arbitrator of the ICSID; President of the International Commission of Jurists; former President of the United Nations Commission on Human Rights; member of the Royal Academy of Overseas Science of Belgium;

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 Program;

GENERAL REPORT

Mr. E. RAZAFINDRALAMBO (Madagascar),

First Honorary President of the Supreme Court of Madagascar; former President of the High Court of Justice; former Arbitrator of the ICSID and of the International Civil Aviation Organisation; substitute member of the Administrative Tribunal of the ILO; member of the International Commercial Arbitration Council; former Professor of Law at the University of Antananarivo; member of the United Nations International Law Commission;

Mr. Jose Maria RUDA (Argentina),

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

Mr. Akira SHIGEMITSU (Japan),

Former Director of Legal Section, Ministry for Foreign Affairs; former Director-General of United Nations Department, Ministry for Foreign Affairs; former Ambassador to Romania, Nigeria and the USSR; Member of the Asian-African Legal Consultative Committee;

Mr. Arnaldo Lopes SUSSEKIND (Brazil),

Former Judge of the Supreme Labour Tribunal; former principal law officer of the Labour Courts Law Office; Vice-President of the National Academy of Labour Law; member of the Latin-American Academy of Labour Law and Social Security Law; former Minister of Labour and Social Insurance; former Government representative of Brazil in the ILO Governing Body;

Mr. Eoon Chiang TAN (Singapore),

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

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 Medellín;

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); former President and Honorary President of the International Society of Labour Law and Social Security;

Mr. Joza VILFAN (Yugoslavia),

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

Sir John Wood (United Kingdom),

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

5. The Committee elected Sir Adetokunbo ADEMOJA as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee. From 10 to 17 March the Committee met under the chairmanship of Sir Adetokunbo Ademola. From 18 to 23 March Sir William Douglas acted as Chairman.

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

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

7. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, which consists essentially of the following three parts: (a) review of reports from governments on ratified Conventions, supplied under articles 22 and 35 of the Constitution (see paragraphs 99 to 128 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 129 to 137 below, and Part Two (III)); and (c) review of reports supplied by governments under article 19 of the Constitution on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Rural Workers' Organisations Convention and Recommendation, 1975 (Nos. 141 and 149). See paragraphs 138 to 142 below, and Part Three, which is published in a separate volume as Report III (Part 4B).

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

9. The United Nations was represented at the session by Mr. K. Herndl, Under Secretary-General and Director of the Centre for Human Rights, who stressed the importance of co-operation between the United Nations and the International Labour Organisation in the sphere of human rights and expressed his appreciation of the contribution that the ILO was able to make in supervising the application of international standards, particularly the International Covenant on Economic, Social and Cultural Rights, by virtue of its long experience in the matter.

II. GENERAL

Membership of the Organisation

10. Since the last session of the Committee, Sao Tome and Principe, Dominica and San Marino have become Members of the ILO, bringing the number of States Members to 150.

Participation of the People's Republic of China in the standard-setting activities of the ILO

11. The Committee took note of the forthcoming resumption by the People's Republic of China of its active participation in the work of the International Labour Organisation.

12. At its 43rd Session (March 1973), the Committee was informed of the letter dated 25 September 1972 from the Minister of Foreign Affairs of the People's Republic of China, a copy of which had been communicated to the Director-General by the Secretary-General of the United Nations. This letter contained a passage couched in the following terms:

1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese Government before the establishment of the People's Republic of China, my Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognised.

2. As from 1 October 1949, the day of the founding of the People's Republic of China, the Chiang Kai-shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of "China" are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to.

13. The Committee notes that of the 37 international labour Conventions ratified in the name of China the following 14 were ratified before 1 October 1949: Nos. 7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59 and 80. The following 23 Conventions were ratified after that date: Nos. 53, 58, 73, 81, 91, 92, 95, 98, 100, 104, 105, 107, 111, 112, 113, 114, 116, 117, 118, 119, 123, 124 and 127.

14. The Committee hopes that the situation concerning the above-mentioned Conventions, and in particular those ratified before 1 October 1949, may be clarified to the best advantage, with a view to ensuring the widest possible participation of the People's Republic of China in the standard-setting activities of the Organisation.

15. Quite apart from the question of the supply of reports on the application of ratified Conventions under article 22 of the ILO Constitution, the Committee wishes to state that the People's Republic of China will continue to be requested, in conformity with the Constitution, to submit information and reports due under article 19 of the Constitution concerning the submission of instruments adopted by the International Labour Conference and also unratified Conventions and Recommendations.

New Conventions and Recommendations

16. The Committee noted that at its 68th Session (June 1982) the International Labour Conference adopted the Maintenance of Social Security Rights Convention (No. 157) and the Termination of Employment Convention (No. 158) and Recommendation (No. 166).

Obligations binding member States

17. In the course of 1982, 67 ratifications by 18 member States were registered. Of these 67 ratifications, 60 were new and 7 represented the confirmation by Sao Tomé and Príncipe of obligations previously contracted in its name. At 31 December 1982 the total number of ratifications was 5,022. Thus, 1982 was not only the year of the 5,000th ratification, but also that of the smallest number of ratifications of the past decade. It is nevertheless encouraging that almost half the ratifications registered in 1982 related to Conventions adopted during the past ten years. Another encouraging fact is that 57 ratifications have been registered since 1 January 1983, of which 28 represent the confirmation of obligations contracted previously in the names of the countries concerned.

18. In 1982, ten new declarations were registered concerning the application of Conventions to non-metropolitan territories of France and the United Kingdom. Seven of these were without modification and two with modifications. In one case the government concerned stated that it reserved its decision. The total number of declarations at 31 December 1982 included 1,018 declarations of application without modification and 79 with modifications. The number of non-metropolitan territories was 32 at 31 December 1982.

19. The ratification by Switzerland and Mexico of the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) resulted in the coming into force of the Convention on 10 February 1983. The ratification by Norway and Sweden of the Collective Bargaining Convention, 1981 (No. 154), the Occupational Safety and Health Convention, 1981 (No. 155), and the Workers with Family Responsibilities Convention, 1981 (No. 156) will result in the coming into force of these three instruments on 11 August 1983.

20. Eight denunciations unaccompanied by the ratification of a revised Convention were registered during 1982. These were made by Uruguay concerning the Unemployment Convention, 1919 (No. 2), by Luxembourg concerning the Night Work (Women) Convention, 1919 (No. 4), by New Zealand concerning the Inspection of Emigrants Convention, 1926 (No. 21), by Ireland, Luxembourg, Sri Lanka and Uruguay concerning the Night Work (Women) Convention (Revised), 1948 (No. 89), and by the United Kingdom concerning the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). The total number of denunciations unaccompanied by the ratification of a revised form of the Convention was 42 at 31 December 1982.

Functions in regard to other international
and regional instruments

International Covenant on Economic,
Social and Cultural Rights

21. Under the procedure established by the Economic and Social Council of the United Nations by Resolution 1988 (LX) of 11 May 1976, the International Labour Organisation is called upon to report to the Council, in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of its activities. The Governing Body of the International Labour Office has entrusted this task to the present Committee, which, at its sessions from 1978 to 1982, examined the position in a number of States Parties to the Covenant with respect to the implementation of Articles 6 to 9 and 10 to 12 of the Covenant, which were the subject of reports in the first and second stages 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.¹

22. 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 Bulgaria and Yugoslavia, which it had not been possible to examine last year, and also, for the same reason, the report from Yugoslavia on the implementation of Articles 6 to 9 of the Covenant. The Committee also carried out a general review of its work in this field from 1978 to 1983 and of the progress made in giving effect to the provisions of the Covenant. As in 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.

European Code of Social Security

23. Under the procedure for the supervision of the European Code of Social Security, copies of reports, including the first report from Turkey, were transmitted to the ILO by the Secretary-General of the Council of Europe on the Code and the Protocol thereto from eleven ratifying States, and ten reports were examined by the Committee, which was able to note that these instruments were generally applied in a satisfactory manner. The Council of Europe was represented at the session by Mrs. C. Meunier, Administrator 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 1982 at Strasbourg had again approved the conclusions of the Committee of Experts and again expressed its confidence in the supervisory procedure of the ILO and its satisfaction at the action taken or planned by the governments concerned on the comments relating to them. Most of the States Parties to the Code and Protocol now give full or almost full effect to these instruments.

¹ Documents E/1978/27 of 6 April 1978, E/1979/33 of 9 April 1979, E/1980/35 of 10 April 1980, E/1981/41 of 31 March 1981 and E/1982/41 of 24 March 1982.

Collaboration with other international organisations

24. The arrangements under which the ILO collaborates with other international organisations on questions concerning the supervision of international instruments on matters of interest to more than one organisation continued to function as in the past. In the field of collaboration with the Council of Europe, the Committee notes that an ILO representative attended the sessions of the Committee of Independent Experts on the Supervision of the Application of the European Social Charter, held in Strasbourg in May, November and December 1982 on a consultative basis. Such collaboration, which is provided for by Article 26 of the Charter, facilitated the co-ordination of supervision of international labour Conventions with the numerous provisions of the Charter concerning problems which also fall within the scope of ILO Conventions.

25. 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 ILC in the implementation of the Five-Year Inter-American Indian Action Plan of this Institute. Copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), were also sent to the United Nations, FAO and UNESCO.

26. Copies of reports were also sent this year on the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), and on the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), to the International Maritime Organisation (IMO); copies of reports on the Rural Workers' Organisations Convention, 1975 (No. 141), were sent to the United Nations and FAO; 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, and copies of reports on the Nursing Personnel Convention, 1977 (No. 149), to WHO. Information, which was taken into consideration by the Committee, was received on the application of these Conventions from FAO and WHO. The representatives of these Organisations were also invited to participate in the sittings of the Committee of Experts at which the above Conventions were discussed. The International Maritime Organisation (IMO) was accordingly represented by Mr. E.E. Mitropoulos.

27. In the field of discrimination, arrangements for co-operation with the United Nations Committee on the Elimination of Racial Discrimination, which is responsible for supervising the application of the Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965 under the auspices of the United Nations, continued to function as in the past. Thus, the report of the Committee of Experts for 1982, 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 1982. 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.

Application of Conventions to offshore
industrial installations

28. In 1981 and 1982 the Committee considered the applicability of international labour Conventions to fixed and mobile installations for the prospection and extraction of mineral resources on the continental shelf (offshore industrial installations). It indicated that it would be useful if governments of States under whose jurisdiction offshore industrial activities were carried out would provide information in their reports under article 22 of the Constitution on the extent to which and the manner in which the Conventions they had ratified that were relevant to work on offshore industrial installations were applied to such work, and on any difficulties encountered in this respect. It stated that it would also appreciate comments from employers' and workers' organisations on these questions.

29. The Committee has now received reports from 35 governments (Australia, Bahrain, Barbados, Burma, Burundi, United Republic of Cameroon, Canada, Central African Republic, Colombia, Denmark, Djibouti, Federal Republic of Germany, Guinea-Bissau, Guyana, India, Israel, Malta, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sweden, Trinidad and Tobago, Tunisia, United Kingdom, Upper Volta, Zimbabwe), most of which state that the country has no offshore industrial installations or that the general national legislation is also applicable to these installations. The Committee regrets that no comments were received from employers' or workers' organisations. However, several countries which possess offshore industrial installations have sent comments and information which reveal a variety of situations and a diverging legislative approach to the problems raised by such installations.

30. As to the legal nature of offshore installations, some countries make a distinction in their legislation between mobile and fixed installations, which as a result are subject to different regulations, mobile installations being defined as ships and thus subject to maritime legislation, whereas fixed installations are regarded as land-based industrial undertakings and subject to legislation determined on a case-by-case basis. In certain countries workers on the latter type of undertakings are subject to the national seamen's legislation or parts of it.

31. In addition, there is a diverging approach in respect of jurisdiction, notably in cases where mobile installations are regarded as ships. A number of countries enforce the specific legislation they have designed to be applicable to offshore installations operating in their area regardless of the nationality of the drilling platform or vessel or other mobile device included in the category of ships; whereas other countries take the view that, as with other ships, the primary jurisdiction - even in their own territory - is that of the flag State and that the responsibility for the application of ILO Conventions rests with the State where the craft is registered.

32. While certain countries extend their jurisdiction to work on platforms and fixed installations on their continental shelf, other countries do not consider these to be within their jurisdiction - although they may grant exploration or exploitation licences - and therefore raise the question as to the manner in which and the extent to which workers employed on such platforms could enjoy the protection of national labour legislation.

33. Complex problems are also raised by the special situation of workers on fixed installations established in areas of cross-

boundary petroleum or gas fields where joint exploitation by "unitisation", agreed upon between the countries concerned, sometimes requires workers to cross from one sector of the shelf to another in the course of their employment, the field being treated as a single unit and the boundary line ignored for technical purposes.

34. The Committee considers that the legal problems concerning the nature of offshore industrial installations, the legislation applicable to workers thereon, the type of jurisdiction exercised by States over these installations, the possible obligations arising from the licensing of the installations for purposes of exploration and exploitation are of far-reaching consequences, and that their complexity has given rise to diverging interpretations and practical action. The legal uncertainty surrounding these various aspects and the resulting lack of uniformity in the legislative approach to the problems may adversely affect the application of international labour Conventions.

35. The possible adoption of standards on conditions of work in offshore industrial activities, envisaged by the in-depth review of international labour standards concluded in 1979, still requires intensive research on the actual conditions prevailing in these activities and also a detailed legal analysis of the problems set out in the preceding paragraphs. The adoption of such standards would certainly facilitate the resolution of the existing problems relating to the scope of Conventions and their application to the offshore industrial activities.

36. The Committee wishes to emphasise the importance of carrying out the studies mentioned above. In the meantime, it invites governments to continue sending information on the application of Conventions to offshore industrial installations and on any difficulties encountered in this respect. It would also appreciate comments from employers' and workers' organisations on these questions.

Application of Conventions in export processing zones

37. The Committee again considered the effect on the application of ratified Conventions of setting up export processing zones in various parts of the world, in both industrialised and developing countries. In order to obtain a better view of the situation, the Committee in 1982 invited governments that had not yet done so to supply information in their reports under article 22 of the Constitution on the effects both in law and in practice of export processing zones and particular types of undertaking (for example, new industries) on the rights of workers under ratified Conventions. The Committee also invited employers' and workers' organisations to send their comments on these questions.

38. The Committee has received a total of 37 replies from governments containing certain information on the matter. No comments were received from employers' or workers' organisations.

39. The following 19 countries indicated that they had no export processing zones or that they were not concerned by the request: Australia, Belgium, Burma, United Republic of Cameroon, Guinea-Bissau, Guyana, Israel, Luxembourg, New Zealand, Poland, Saudi Arabia, Sierra Leone, Singapore, Sweden, Trinidad and Tobago, Tunisia, United Kingdom, Yugoslavia and Zimbabwe.

GENERAL REPORT

40. Another group of 12 countries indicated that the labour legislation is applicable throughout the national territory, including the export processing or free trade zones: Bahrain, Barbados, Colombia, Greece, Liberia, Morocco, Pakistan, Panama, Senegal, Spain, United States and Uruguay.

41. The Government of Egypt indicated that the Labour Code, Law No. 137 of 1981, is applicable to workers in the free trade zones, except for matters governed by Law No. 43 of 1974, as amended by Law No. 32 of 1977.

42. The Government of the Federal Republic of Germany indicated that there are six free ports in the country which provide importing and exporting firms with facilities under which merchandise can be stored and reshipped duty free. Processing takes place in such zones only in so far as it relates to the preservation of goods or improvements in their packaging or commercial appeal. However, the Government adds, these free ports do not seem to be export processing zones as referred to by the Committee of Experts. The rights to which workers are entitled under ratified Conventions may also be exercised by persons employed in the free ports.

43. The Government of India indicated that the undertakings in the two free-trade zones in the country have not reported any difficulty in implementing the provisions of the relevant ratified Conventions.

44. The Government of Peru indicated that legislation relating to free trade zones was being studied.

45. According to the Government of the Philippines, the enterprises in the export processing zones comply with the provisions of the Labour Code and other related laws based on ILO Conventions.

46. According to the Government of Upper Volta, free trade zones have been made available in Abidjan (Ivory Coast) and Lomé (Togo) for deposit, maintenance and transit. As a result of its geographical situation and a number of difficulties, including supervision in the zones, the country has been unable to ratify several ILO Conventions.

47. The Committee has taken note of this information and considers that it may be useful, first of all, to give some clarifications as to the characteristics of export processing zones:

- (a) the main features of these zones are the fiscal and financial advantages from which they benefit, the powers conferred on the authority responsible for the administration of the zones and, to a certain extent, the special legislation applying to labour performed in the zones;
- (b) in an increasing number of cases these arrangements apply not only to geographical zones or areas, but also to particular undertakings;
- (c) one of the goals common to these zones is to create jobs by attracting investments which would generate labour-intensive manufacturing or processing. These investments usually come from foreign sources, but may also be mixed or national;
- (d) the investments are most often industrial, but may also concern agricultural activities and certain services. The goods produced are intended for export to foreign markets, either as finished products or as components of a larger production process carried on outside the country of the zone.

48. The Committee now turns to the situation in certain individual countries. With regard to Egypt, the Committee has examined the legislation mentioned by the Government and is raising certain questions in a general direct request in relation to Conventions Nos. 1, 30 and 81.

49. With regard to Pakistan, the Committee has received information on the publication on 10 October 1982 of the Export Processing Zones (Control of Employment) Rules, 1982, which contain important provisions affecting the application of several ratified Conventions in these zones. S.R.O. 1003(I)/82 provides that the Export Processing Zones Authority may from time to time issue instructions to employers regarding minimum wages, payment of wages, overtime work, leave, holidays, daily and weekly hours of work, health and safety measures and other compensations not specifically mentioned in these rules. It also contains a general prohibition of strikes. S.R.O. 1004(I)/82 exempts the export processing zones from all the provisions of the following laws: the Workmen's Compensation Act, 1923; the Factories Act, 1934; the Payment of Wages Act, 1936; the Minimum Wages Ordinance, 1961; the Provincial Employees' Social Security Ordinance, 1965; the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968; the Industrial Relations Ordinance, 1969; the West Pakistan Shops and Establishments Ordinance, 1969 and the Employees' Old-Age Benefits Act, 1976. The Committee is formulating a general observation with regard to Pakistan on these questions and deals with the general prohibition of strikes under Convention No. 87.

50. The Committee has noted that the legislation of the Philippines contains specific provisions relating to the right to strike which apply, inter alia, to export-oriented industries, including enterprises in the export processing zones. The Committee refers to this question in an observation made under Convention No. 87.

51. The Committee has already noted that in certain countries specific provisions applying to particular types of undertaking (for example, new industries) that are different from the general legislation sometimes raise problems in the application of Conventions. This is also the case of Singapore and of Malaysia in respect of collective bargaining. The Committee has been examining these problems for a number of years under Convention No. 98 and once again makes an observation to these countries in connection with this Convention.

52. The Committee intends to continue examining the question of the application of ratified Conventions in export processing zones and activities, in the sense explained above, and it invites governments to supply information in their reports under article 22 of the Constitution on the effects both in law and in practice of such zones and activities on the rights of workers under ratified Conventions. Once again the Committee invites employers' and workers' organisations to send their comments on this question.

Regional examination of the application of standards

53. The Committee has learned with interest that the Inter-American Advisory Committee examined at its Sixth Session (Geneva, 22-24 November 1982) the question of the ratification and application of international labour standards in the region, the emphasis being placed on certain Conventions of special importance to the region, concerning freedom in labour (Nos. 29 and 105); freedom of association (Nos. 87, 98, 135, 141 and 151); equality of treatment (Nos. 100 and 111); the

promotion of employment (No. 122); wages (No. 131); minimum age for admission to employment (No. 138); indigenous and tribal populations (No. 107); labour inspection and administration (Nos. 81, 129 and 150); social security (No. 102); and tripartite consultation (No. 144). The Committee has noted that the Inter-American Advisory Committee stated in its conclusions that the strengthening of tripartite collaboration in the preparation and application of standards would be particularly useful and would help to prevent or solve a number of problems that arise in the countries of the region in respect of promoting ratifications and a better application of Conventions. It also emphasised that the ILO should continue to follow the application of Conventions closely, through its supervisory bodies, and at the same time increase its aid concerning standards to governments and occupational organisations, in particular through an increase in the number of seminars and tripartite meetings to make the ILO system of standards better known and to promote effective co-operation.

Seminars on national and international
labour standards

54. The Committee welcomes 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. Several such meetings have taken place since the last session of the Committee.

55. A tripartite seminar on international labour standards, organised in co-operation with the Asian Regional Project for Strengthening Labour and Manpower Administration (ARPLA) was held from 26 to 30 April 1982 at Bangkok (Thailand). Some 40 participants from 17 countries discussed practice and procedures in respect of the formulation of ILO standards from the point of view of the developing countries, in order to enable governments and employers' and workers' organisations of this region to take a more active part in the formulation of international labour standards.

56. A seminar on national and international labour standards held from 27 September to 6 October 1982 at Bridgetown (Barbados) for the countries of the Caribbean was attended by 16 officials responsible for matters related to labour standards coming from 15 countries of the region. During the first three days there were a representative of the employers and a representative of the workers appointed by their groups on the Governing Body and also other representatives of employers' and workers' organisations of Barbados.

57. An official of the ILO took part in the Seminar on Arab and International Labour Standards, which was organised by the Executive Bureau of the Council of Ministers of Labour and Social Affairs of the Arab Countries of the Gulf at Sharja (United Arab Emirates) from 8 to 12 May 1982. This seminar was attended by some 30 participants, including senior officials of the ministries of labour directly concerned with standard-setting activities in the following countries: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.

58. A seminar on international labour standards lasting three days was organised in October at Lagos (Nigeria) under the auspices of the Nigerian Labour Congress. It was attended by 65 national leaders of the unions.

59. Furthermore, the Brasilia Office and the Minister of Labour of Brazil organised a national tripartite seminar on international

labour standards, lasting from 29 November to 2 December 1982 at Sao Paulo (Brazil). This seminar, the third of the type, was attended by about 250 persons.

Constitutional procedures of complaint
and other procedures

60. As regards the two complaints presented by the Government of 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), the Committee had noted the decision of the Governing Body at its 214th Session (November 1980) to suspend the examination procedure, in accordance with the request of the French Government, pending the results of the technical assistance requested by Panama. It notes the statement of the Government representatives at the 222nd Session (March 1983) of the Governing Body that the Bill on conditions of work on board Panamanian ships in international service had been submitted to the national legislative council and should be approved shortly.

61. As regards the two complaints made by Workers' delegates to the 67th Session of the Conference under article 26 of the Constitution concerning the observance by Haiti and the Dominican Republic of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), 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), the Committee noted at its last session the appointment by the Governing Body at its 219th Session (February-March 1982) of a commission of inquiry to examine these complaints. In the light of certain allegations in the complaints against the Dominican Republic, the Governing Body instructed the commission of inquiry also to examine its observance of the Protection of Wages Convention, 1949 (No. 95). Since the allegations on Convention No. 95 relate to questions on which the Committee had previously made observations, it decided at its last session to suspend its consideration of them pending the results of the examination by the commission of inquiry which should be completed in May 1983.

62. As regards the complaints under article 26 of the Constitution concerning the application of freedom of association Conventions, the Committee was informed that the Committee on Freedom of Association had examined the complaint relating to Argentina. As regards the complaints on the observance by Poland of 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), presented by certain Workers' delegates at the 68th Session of the International Labour Conference (June 1982), the Committee was informed that the Committee on Freedom of Association had reached its conclusions, which were approved by the Governing Body at its 222nd Session (March 1983) and requested the Government to continue the dialogue and supply information on a series of questions, and also to accept an on-the-spot mission of a representative of the Director-General; that Committee stated that if the requested information were not supplied and the mission not accepted it would have to recommend to the Governing Body the constitution of a commission of inquiry under article 26 of the Constitution.

63. As regards the representation made under article 24 of the Constitution concerning the observance by Nicaragua of the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee was informed

that the Governing Body had at its 221st Session (November 1982) adopted the recommendations of the tripartite committee which had examined the matter to the effect that the Government should (a) adopt measures to amend the law concerning the maintenance of public order and security so as to ensure that the expression of public or ideological opinions did not give rise to sanctions involving compulsory labour, and (b) inform the ILO of any measures taken to this end so that the Committee could continue to examine this aspect of the case. As for persons condemned under the law on the maintenance of public order and security but released without being obliged to work, the Committee noted that their particular case did not call for comments under Convention No. 105.

64. The Committee noted the conclusions - adopted by the Governing Body at its 222nd Session (March 1983) - of the Committee appointed to examine the representation of the Norwegian Federation of Trade Unions (LO) under article 24 of the Constitution concerning the observance by Norway of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which in particular recommend that measures should be taken to ensure that the national legislation in question should be drafted, interpreted and applied in accordance with Article 1, paragraph 2, of the Convention, and that the Government should inform the ILO of all measures taken to this end to guarantee the application of the Convention on this point so that the Committee might follow the development of the case. The Committee noted also that at the same session the Governing Body closed the procedure following the representation by the Swedish Confederation of Trade Unions, the Central Organisation of Swedish Employees and the International Confederation of Free Trade Unions concerning the application by Sweden of the Employment Injury Benefits Convention, 1964 (No. 121), which had become pointless following the changes of circumstances.

65. The Committee was also informed that the Norwegian Confederation of Trade Unions had presented a representation under article 24 of the Constitution concerning the observance by Turkey of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), now being examined by the Committee on Freedom of Association.

66. The Committee noted that the Committee on Freedom of Association of the Governing Body had recommended drawing its attention to certain aspects of the conclusions adopted in several of the cases examined since the March 1982 session (214th-225th Reports). This applied particularly as regards Argentina (Case No. 842), Canada (Alberta) (Case No. 1055), Colombia (Cases Nos. 1083 and 1085), Costa Rica (Case No. 1063), Greece (Case No. 1058), Malaysia (Case No. 1022), Mauritania (Case No. 1088), Morocco (Cases Nos. 992 and 1018), Nicaragua (Cases Nos. 1084 and 1133), Peru (Case No. 1081), Poland (Case No. 1097), Portugal (Case No. 1042), Romania (Case No. 1066) and Upper Volta (Case No. 1089).

Implementation of the Employment Policy Convention, 1964 (No. 122)

67. The Committee recalled the questions referred to in paragraphs 40-43 of its General Report for 1982, when it returned to the question of employment policy at its present session. The Committee examined the application of the Convention in 51 countries; it is pleased to note that there has been a good response to its earlier plea for governments to ensure the availability of adequate information. There are still reports that lack sufficient information, but the Committee is able in these cases to try to supplement its

information from other official sources and by way of direct requests. The Committee also hoped that organisations of employers and workers would submit to it, where they felt the situation merited their intervention, comments and opinions on the matters covered by the Convention. Again the Committee is pleased to note the increase in such submissions. They have proved to be helpful in giving a clearer picture of the position in their countries.

68. The Committee has to say that it finds the supervision of Convention No. 122 to be very difficult. The volume of information is in the case of many countries very great, and it has been necessary for the Committee to decide clearly how to discharge its obligations. The traditional method of the use of observations and direct requests is obviously important but the Committee feels that it should supplement these in a special way. The Committee does not claim to have special expertise in the difficult social and economic matters which underlie the actions taken by individual States to bring their law and especially their practice into line with the aim of achieving full employment. It does, however, feel that it should draw attention in a general way to matters of importance which recur in the reports of several countries. In that way it hopes through its own dialogue with governments to encourage two other forms of dialogue: the one between the government, employers and workers of a particular State; the other between different countries, and certainly between those with similar social and industrial structures. Thus it is hoped to encourage greater technical understanding of the problems and spread greater knowledge of the successes and the failures of the varied methods that are being tried to tackle the serious problem of unemployment.

69. The difficulties of unemployment, underemployment and disguised unemployment are world-wide but affect countries in different ways. The solutions attempted by different countries also differ according to the precise needs of each one, but general trends are observable from the reports. It is for example widely accepted that many of the factors that give rise to a worsening employment situation lie outside the control of the individual nation State. The high degree of interdependence of the nations' economies underlines the need for an international, as well as a national, search for effective multinational approaches to these serious common problems. It is generally recognised that technical advances and much increased productivity affect a great number of countries, and tend to lead in some to increased unemployment, in others to more underemployment. Even more serious is the slowing down of world-wide economic activity. This places a burden on all, but especially on those countries that rely on the price of primary products, which have consequently fallen, in many cases a single primary product being the mainstay of their national economy.

70. On this occasion the Committee considers that it would be useful to draw attention to four aspects of the problem encountered. It does so, as has already been said, to stimulate constructive discussion.

(a) In the industrialised nations in particular inflation, often accompanied by increasing unemployment, has been identified as a major enemy, and indeed there must be few nations in which this is not to some extent true. There can be no doubt that persistent inflation adversely affects workers, who find that their wages are devalued and that they have to spend a great deal of time and energy attempting to maintain their standard of living, often without success. Those countries which have chosen to make the fight against inflation their primary aim have recognised those dangers. The more optimistic of them appear to believe that the conquest of inflation would itself reduce

the levels of unemployment. The Committee notes with regret that in the short term at least this hope has not been fulfilled. Further it notes that many of the actions taken to fight inflation appear to have, at the outset at least, an adverse effect on the level of employment and even perhaps on the standards secured by other ILO Conventions.

(b) It is important to note that countries vary in the extent to which, in times of difficulty, they build or continue to use methods of consultation with employers and workers, so that the problems of economic planning may be fully discussed. The Committee feels justified in pointing out that the fundamental principle of tripartite consultation is one to which the ILO attaches great importance; moreover, Article 3 of Convention No. 122 specifically requires that representatives of the persons affected by employment measures, in particular employers and workers, should be consulted with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies. The Committee hopes that countries will persist with this practice, even when the problems they face pose great difficulties.

(c) One idea in reports from countries of widely different social systems that appears to merit attention is that, in many countries where large-scale enterprises have found it difficult to maintain levels of employment in the face of reduced activity and the growth of technical change and productivity, the view seems to be forming that there is an advantage in encouraging smaller units, whether in the field of manufacturing or of services. It appears that in most types of social and economic systems this gives greater flexibility and helps to maintain or increase the level of employment.

(d) The Committee also wishes to draw attention to what is perhaps the most serious aspect of these problems. Where employment is scarce there is a likelihood that those who suffer most and worst are those who are already at a disadvantage in the labour market. Examples are the disabled, migrant workers, minorities, women and young people entering the labour market for the first time. The Committee is pleased to note that a large number of countries recognise this problem and have passed laws and adopted practices to attempt to redress the balance. It is important that those efforts should continue, and countries might with benefit exchange information as to the relative success of the various devices they have used to tackle these problems.

71. The Committee is bound to observe that in the continuing world recession the rate of unemployment still remains a serious, and indeed a worsening, problem for very many countries. In the light of the elements mentioned above by way of illustration and of those referred to in the individual comments addressed to the governments of countries which have ratified Convention No. 122, the Committee would wish to draw attention to the basic requirements under the Convention that there should be a policy designed to promote full, productive and freely chosen employment; such policy has to be pursued actively and as a major goal, and it is to be kept under review as appropriate under national conditions (Articles 1 and 2 of the Convention). The Committee hopes that in future reports all governments will have due regard to the need to supply full information on the application of the Convention in the form adopted by the Governing Body, including replies to the Committee's own comments, and that employers' and workers' organisations will not fail to express their comments on employment policy measures. The Committee hopes that its observations concerning Convention No. 122 may also be of interest in connection with the discussion of employment policy by the International Labour Conference.

III. ACTION FOR THE ELIMINATION OF DISCRIMINATION

72. The Committee has been informed of developments in the action of the ILC in this field in the last year. As regards promotional and educational activities in favour of the principles of equality of rights and opportunities in regard to work, draft guidelines on non-discriminatory employment practices have been prepared for use in a series of tripartite regional seminars. The first such seminar will be in Bangkok in April 1983 for the Asian region; there will be a second in Latin America this autumn. The Office has continued its research, reports and information services, especially in the International Labour Review and the Social and Labour Bulletin. In particular, the Review continues to publish a series of articles on the relation between protective legislation and equality of opportunity for women at work, reflecting the experience of various countries.

73. At the November 1982 and February-March 1983 sessions of the Governing Body, its Discrimination Committee had before it a request for a special study from a national trade union organisation concerning the situation as to discrimination based on political opinion in a country which has not ratified Convention No. 111. After examining the request and the Government's reply, which was not favourable to the request, the Committee decided to appeal to the Government to accept the study. This is the first time this procedure - introduced some years ago (and somewhat analogous to the procedure of the Committee on Freedom of Association) - has been used.

74. The implementation of the new Declaration concerning the Policy of Apartheid in South Africa, adopted by the International Labour Conference in 1981, has led to important developments. The new procedure for examining the information requested from governments and employers' and workers' organisations on the measures taken against apartheid under the Declaration has been used for the first time in the Special Report of the Director-General on the Declaration. An analysis of this information was submitted to the Discrimination Committee of the Governing Body at its May 1982 session and was examined by the Committee on Apartheid set up by the Conference at its June session. Measures have further been taken to give effect to the important conclusions of the latter committee in a second request for information, the replies to which were examined by the Governing Body at its session in February-March 1983 and will be submitted to the Apartheid Committee of the Conference at its next session.

75. The activities for assisting Front-line States, national liberation movements, and South African Black workers and their unions, as requested in the Declaration, have been pursued actively. Several missions have been undertaken for research into multilateral and other financing possibilities. The total credit obtained in this way has reached nearly 1.5 million dollars. Many other projects have been elaborated and proposed worth several million dollars. Measures have been taken to solicit voluntary contributions from member States and employers' and workers' organisations and a number have already been obtained.

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

76. The Committee notes that governments continue to appreciate the possibility of having recourse to consultations in their own

countries with a representative of the Director-General in order to seek solutions to problems related to standards. Direct contacts missions were carried out in 1982 in Burma, Guinea-Bissau, Indonesia and Turkey.

77. Direct contacts in Burma (December 1982) dealt with a number of questions relating to ratified Conventions.

78. Direct contacts in Guinea-Bissau (May 1982) dealt essentially with the examination of problems encountered in fulfilling the Government's obligations under articles 19 and 22 of the ILO Constitution.

79. Direct contacts in Indonesia (May 1982) dealt mainly with the application of the Forced Labour Convention, 1930 (No. 29).

80. Finally, direct contacts in Turkey (July 1982) took place within the framework of the examination of cases before the Committee on Freedom of Association relating to Turkey.

81. In 1982, officials of the International Labour Standards Department made advisory missions to the following countries: Angola, Argentina, Bahamas, Congo, Tunisia and Zaire. These missions were designed to help the governments of these countries in finding solutions to the various problems encountered in the international labour standards field. Further, on the occasion of the Bridgetown seminar (see paragraph 56) an official made an information visit to St. Vincent and the Grenadines, a non-Member of the ILO.

82. The Regional Adviser for Labour Administration for the Near East gave advice to governments concerning international labour standards in visits made during the first half of 1982 to Bahrain, Jordan, Lebanon, Saudi Arabia and the Syrian Arab Republic.

83. The Committee notes that two regional advisers for standards will be working full-time from 1983 in Asia and Latin America, and part-time advisers will be working in English- and French-speaking Africa respectively. Their tasks will be essentially to help governments in these regions to meet their obligations under the ILO Constitution and ratified Conventions. In complicated cases or those which are particularly difficult, information or direct contacts missions will continue to be made by officials of the International Labour Standards Department.

84. The Committee has also been informed that 14 officials from the following countries completed an internship, usually of two weeks, in the International Labour Standards Department in 1982 in order to become acquainted with international labour standards procedures: Colombia, Democratic Yemen, Egypt, France (French Polynesia), Guinea, Guinea-Bissau, Indonesia, Panama and Sri Lanka.

85. The Committee notes that many members of the Conference Committee (June 1982) stressed the value and the results of the various forms of assistance given by the ILO to help in the application of standards and the observance of the obligations under them, and they suggested intensifying these activities; at the same time the Committee has noted the observation of the Workers' members of that Committee that governments should have recourse to direct contacts only when they intend in practice to give effect to the recommendations made.

86. Finally, the Committee notes with interest the new experiment held at the request of Colombia, in 1982, when an ad hoc tripartite group examined solutions to the main problems encountered in

Colombia in the application of ratified Conventions with the assistance of ILO officials in an advisory capacity, during the International Labour Conference.

V. ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

87. 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.

88. The Committee has noted with satisfaction again this year that almost all governments have indicated in the reports supplied under article 22 of the Constitution the representative organisations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, they have communicated copies of the reports supplied to the ILO.¹ Almost all governments have also indicated the organisations to which they have communicated copies of the information supplied to the ILO on the submission to the competent authorities of instruments adopted by the Conference² and of the reports due under article 19 of the Constitution.³

89. 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, and 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 report.

Observations by employers' and workers' organisations

90. Eighty-two observations, 21 communicated by employers' and 61 by workers' organisations, were received by the Committee this year. This is the highest number of observations ever received; it shows the increasing interest of employers' and workers' organisations in the implementation of ILO standards and it is the result of the efforts made by the supervisory bodies and the Office to give interested organisations complete information on their role in this area.

91. Most of the observations received relate to the application

¹ Observations have, however, been addressed by the Committee to Bangladesh, Bolivia, Central African Republic and Poland and direct requests have been addressed to Comoros, Ethiopia and Iran.

² The following States have not indicated whether they have communicated this information, and direct requests have been addressed to them: Burma, Upper Volta.

³ Observations have been addressed to Central African Republic and Poland. Direct requests have been addressed to Algeria and Comoros.

GENERAL REPORT

of ratified Conventions;¹ the rest relate to reports provided by governments under article 19 of the Constitution on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Rural Workers' Convention (No. 141) and Recommendation (No. 149), 1975.²

92. The Committee also examined a number of other observations by employers' and workers' organisations whose examination had been -----

¹ Australia: Australian Council of Trade Unions on Conventions Nos. 111 and 144; Austria: Austrian Congress of Chambers of Labour on Conventions Nos. 95 and 98; Belgium: General Federation of Labour on Conventions Nos. 87 and 98; Brazil: Union of Metallurgical, Mechanical and Electrical Material Industry Workers of Niterói and Itaboraí on Convention No. 98; Chile: Single Central Organisation of Workers on Conventions Nos. 29, 30 and 127; Colombia: General Confederation of Labour on Conventions Nos. 9, 14, 87, 98, 111 and 136; Cuba: Union of Workers in the Merchant Marine, Ports and Fisheries on Convention No. 145; Finland: Shipowners' Association on Convention No. 145; Finnish Employers' Confederation, Confederation of Commerce Employers on Conventions Nos. 122, 128 and 150; Confederation of Salaried Employees on Convention No. 122; Central Organisation of Finnish Trade Unions on Conventions Nos. 122, 148 and 150; Central Organisation of Professional Associations, Communal Delegation for Collective Agreement on Convention No. 144; Finnish Shipping Federation, Finnish Ship Officers' Union on Convention No. 8; Finnish Seamen's Union on Conventions Nos. 8 and 145; France (New Caledonia): Workers' Trade Union Organisations on Convention No. 84; Federal Republic of Germany: German Confederation of Trade Unions on Convention No. 87; Greece: Panhellenic Union of Merchant Marine Engineers on Conventions Nos. 87, 98 and 147; India: Employers' Federation of India on Convention No. 88; Ireland: Irish Congress of Trade Unions on Conventions Nos. 122, 132, 138 and 144; Japan: General Trade Union Council (SCHYC) on Conventions Nos. 87 and 98; All-Japan Confederation of Fishermen's Unions, All-Japan Seafarers' Union on Convention No. 134; Netherlands: Netherlands Council of Employers' Federations on Conventions Nos. 87 and 142; New Zealand: New Zealand Employers' Federation on Convention No. 122; New Zealand Federation of Labour on Conventions Nos. 11, 44, 88 and 122; Norway: Norwegian Federation of Trade Unions on Convention No. 111; Portugal: Portuguese Confederation of Industry on Conventions Nos. 11, 14, 98 and 100; Association of Shipowners in the Merchant Marine on Convention No. 8; National Union of Flight Personnel in Civil Aviation on Convention No. 111; Spain: Spanish Confederation of Employers' Organisations on Conventions Nos. 44, 98 and 122; Trade Union Confederation of Workers' Committees, General Union of Workers on Convention No. 131; Sweden: Swedish Engineer Officers' Association on Convention No. 8; United Kingdom: Trades Union Congress on Conventions Nos. 26, 44, 101, 122 and 140.

Further, observations were received from the International Confederation of Free Trade Unions on the application of Conventions Nos. 29, 111 and 122 in USSR; an observation was received from the World Confederation of Labour on the application of Convention No. 98 in Turkey; an observation was received from the International Federation of Building and Wood Workers on the application of Convention No. 122 in Chile.

² Chile: Confederation of Production and Commerce; India: Employers' Federation, and National Front of Trade Unions of India; Netherlands: Federation of Christian Trade Unions; Norway: Norwegian Union of Forestry and Agriculture Workers; Switzerland: Swiss Union of Arts and Trades.

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.

93. The Committee notes that, of the observations received this year, 38 were transmitted direct to the ILO, which, in accordance with established practice, referred them to the governments concerned for comment. In 44 cases the governments transmitted the observations with their reports, sometimes adding their own comments. Part Two of this Report contains the Committee's comments on cases where the observation raised an issue concerning the application of ratified Conventions.

94. As pointed out in the Committee's report of 1977 (paragraph 92), in order to reduce the delay in examining observations from employers' and workers' organisations, the Committee has followed its usual practice of examining these observations as soon as the government's comments have been received, irrespective of whether a report was due on the Convention. It also examined the observations if the government concerned did not send its comments within a reasonable period. At the present session of the Committee, two members expressed their dissent from this method of work.¹

95. The Committee had to postpone the examination of a number of observations to its next session, where they were received too close to the Committee's meeting to allow governments concerned to make comments in time for examination.

96. The Committee notes that in most cases the occupational organisations had endeavoured to gather and present precise facts on the application in practice of ratified Conventions. It notes that a large number of the observations concerned the implementation of Conventions on the protection of the right to organise and the right to collective bargaining; other cases concerned in particular employment policy, equality of opportunity and treatment, labour administration, tripartite consultations on international labour standards and work at sea.

97. The Committee wishes to draw attention to the importance that it attaches to observations made by employers' and workers' organisations on the application in their countries of international labour Conventions. The comments of these organisations are particularly welcome in the case of promotional Conventions, and the Committee considers it useful in this respect for employers' and workers' organisations to communicate their observations on the application in their countries of the Employment Policy Convention, 1964 (No. 122) (see paragraph 71 of this report). The Committee also wishes to receive for review at its next session the comments of these organisations on the application of ratified Conventions to offshore industrial installations and in export processing zones (see paragraphs 36 and 52 of this report).

98. The Committee notes with interest that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) has now received 30 ratifications; it hopes that, following the favourable ratification prospects noted in the General Survey on the Convention in 1982,² many countries will be able to ratify it.

¹ See under Convention No. 29.

² International Labour Conference, 68th Session, 1982, Report III (Part 4B), paragraph 202.

VI. REPORTS ON RATIFIED CONVENTIONS

(Articles 22 and 35 of the Constitution)

Supply of reports

99. 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.

100. In accordance with the procedure for reporting that has been in force since 1977, detailed reports from all ratifying States, covering the period ending 30 June 1982, were due to be examined this year in respect of 38 Conventions.¹ In addition, detailed reports were also requested from certain governments on other Conventions, in accordance with the criteria for more frequent reporting approved by the Governing Body and set out in paragraph 38 of the Committee's 1977 report.

Reports requested and received

101. A total of 1,695 detailed reports were requested from governments on the application of Conventions ratified by States Members (article 22 of the Constitution). At the end of the present session of the Committee, 1,382 of these reports have been received by the Office. This figure corresponds to 80.8 per cent of the reports requested, compared with 78.4 per cent last year. The Committee regrets that, as indicated in paragraph 113 below, a number of the reports received are incomplete and do not enable it to make conclusions regarding 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 in which the Committee has met since 1933, the number and percentage of reports which were received by the prescribed date, by the date of the meeting of the Committee and by the date of the session of the International Labour Conference.

102. In addition, 444 reports were requested on Conventions which have been declared applicable with or without modification to non-metropolitan territories (articles 22 and 35 of the Constitution). Of these, 264 reports, or 59.4 per cent, had been received by the end of the Committee's session. A list of the reports received and those which are overdue, classified by territory and Convention, may be found in the Appendix to section II of Part Two of this report.

103. Apart from the above-mentioned reports, 32 governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review: Australia, Bahamas, Barbados, Belgium, Brazil, Burundi, Canada, Cyprus, Colombia, Ethiopia, Ghana, Guinea, India, Indonesia, Liberia, Malawi, Mexico, New Zealand, Nicaragua, Papua New Guinea, Philippines, Poland, Saudi Arabia, Sierra Leone, Singapore, Spain, Sri Lanka, Switzerland, United Kingdom, United States, Venezuela, Yugoslavia.

¹ Conventions Nos. 8, 11, 14, 21, 22, 23, 24, 25, 44, 52, 55, 56, 71, 77, 78, 82, 84, 87, 94, 95, 97, 98, 101, 106, 107, 111, 114, 115, 117, 122, 124, 130, 132, 140, 143, 144, 145, 150.

104. 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

105. Most of the governments from which reports were due on the application of ratified Conventions have supplied all or most of the reports requested, as can be seen from Appendix I to Part Two, section I. However, 20 governments have not complied with their obligation to supply reports on ratified Conventions. Thus, none of the reports due this year has been received from the following countries: Afghanistan, Albania, Iceland, Ivory Coast, Kenya, Lebanon, Libyan Arab Jamahiriya, St. Lucia, Thailand, Trinidad and Tobago, Uganda. No reports have been received for the last two years from Grenada, Iraq, Mozambique, Nepal and Togo, and for the last three years from Yemen.

106. The Committee wishes to stress its special concern over the cases in which no report has been received for seven years or more: Chad (eight years), Democratic Kampuchea (nine years), Lao Republic (nine years).

107. 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.

Late reports

108. The Committee again feels it necessary to stress the importance of communicating reports in due time. Reports are requested on ratified Conventions by 15 October each year. Due consideration is given when fixing this date to the time required to translate the reports, where necessary, to conduct research into legislation and other necessary documents, and to examine reports and legislation. The supervisory procedure can function correctly only if reports are communicated in due time. This is particularly true in the case of first reports or reports on Conventions where there are serious or continuing discrepancies, which the Committee has to examine in greater depth.

109. The Committee observes that on 15 October 1982 the proportion of reports received was 19.4 per cent. The great majority of the reports are thus received between the date limit fixed and the date on which the Committee meets. The situation is all the more disturbing as it is often the first reports and those relating to Conventions on which the Committee has made comments that are received the latest. In these circumstances, the Committee has been bound in recent years to postpone to its following session the examination of an increasing number of reports, since they could not be examined with the necessary care owing to the lack of time. It has thus had to examine a number of reports at its present session that have been held over from 1982.

110. The Committee can only express its great concern over this state of affairs, despite the relief that the new system of reporting frequency and the various measures of assistance provided by the Office are intended to introduce. The Committee trusts that governments will in future endeavour to observe more closely the time limit laid down for the sending of their reports so that it may carry out its supervisory function adequately.

Supply of first reports

111. A total of 75 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 1979 - Bolivia (Conventions Nos. 95 and 131); since 1980 - Iraq 137, 140, 142, 144); since 1981 - Iraq (Convention No. 145) and Kenya (Conventions Nos. 129, 131, 132, 135, 137, 138, 140, 141, 142, 143). 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 the governments concerned to make a special effort to supply these reports.

Replies to comments of the supervisory bodies

112. Governments are requested to reply in their reports to the observations and direct requests of the Committee, and the majority of governments have provided the replies requested. In accordance with the established practice, the International Labour Office has written to all the governments who failed to provide such replies, requesting them to supply the necessary information. Of the 15 governments contacted in this way, only 5 have sent the information requested.

113. The Committee notes with concern that there is still a large number of cases in which there has been no reply to its comments. These cases can be grouped as follows:

- (a) those where neither a report nor a reply has been received on any of the reports requested from the governments;
- (b) those where the reports received contain no reply to most of the Committee's comments (observations and/or direct requests) and/or have failed to reply to letters sent by the ILO.

This represents a total of 128 cases,¹ by comparison with 151 last year

¹ Afghanistan (Conventions Nos. 95, 111); Bolivia (Conventions Nos. 77, 78, 88, 89, 90, 100, 106, 111, 122); United Republic of Cameroon (Conventions Nos. 77, 78, 94, 122, 132, 146); Chad (Conventions Nos. 29, 52, 81, 87, 98, 100, 105, 111); Grenada (Conventions Nos. 19, 29, 81, 98, 105); Iceland (Conventions Nos. 100, 111); Iraq (Conventions Nos. 1, 8, 15, 17, 22, 23, 29, 30, 78, 81, 92, 100, 105, 111, 115, 118, 122, 132); Ivory Coast (Convention No. 52); Kenya (Convention No. 81); Lebanon (Conventions Nos. 1, 15, 30, 52, 77, 78, 95, 98, 106, 111, 115, 120, 122, 131); Libyan Arab Jamahiriya (Conventions Nos. 52, 95, 98, 102, 111, 128, 130); Mauritania (Conventions Nos. 94, 111, 122); Mozambique (Conventions Nos. 11, 30, 111); Nepal (Convention No. 111); Niger (Conventions Nos. 111, 138); Saint Lucia (Convention No. 95); Seychelles (Conventions Nos. 8, 87, 105); Somalia (Conventions Nos. 84, 94, 95, 111); Sri Lanka (Conventions Nos. 8, 98); Syrian Arab Republic (Conventions Nos. 87, 95, 106, 117); Thailand (Convention No. 122);

(Footnote continued on next page)

and 112 the previous year. The Committee is therefore obliged to repeat the observations or direct requests already made on the Conventions in question.

114. The failure of the governments concerned to carry out their obligations hinders the work of the Committee of Experts and that of the Conference Committee, and the Committee cannot overstate the special importance of ensuring the dispatch of the reports and replies to its previous comments.

Examination of reports

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

Observations and direct requests

116. In the majority of cases, the Committee has found that no comment is called for regarding the way in which ratified Conventions have been implemented. In other cases, however, the Committee has 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 Report of the Committee, or of "direct requests", which are communicated to the governments concerned.

117. As previously, the Committee has indicated by footnotes the cases in which, because of the nature of the problems met in the application of the Conventions concerned, it has seemed appropriate to ask the governments to supply a detailed report earlier than would otherwise have been the case. Under the system of spacing out reports over the four-year period, which applies to most Conventions, such earlier reports have been requested after an interval of either one or two years, according to circumstances. In some instances, the Committee has also requested the governments to supply full particulars to the Conference at its next session in June 1983.

118. The observations of the Committee appear 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.

(Footnote continued from previous page)

Togo (Convention No. 26); Trinidad and Tobago (Conventions Nos. 87, 98, 111); Uganda (Conventions Nos. 94, 95, 98, 122, 124); Upper Volta (Conventions Nos. 95, 131, 132); Yemen (Conventions. Nos. 29, 81, 87, 98, 100, 111, 131, 132, 135).

Practical application

119. 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 replies of the governments 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 in the 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.

120. This year, nearly 47 per cent of the reports supplied on Conventions for which information on practical application was specifically requested contained such data.

121. This proportion is less than that of last year, which was 52 per cent, but more than that of the previous year, which was 39 per cent. The number of countries that have supplied information on practical application, however, is higher than in 1982.

122. The Committee wishes in particular to thank governments that have given information on practical application in their reports. This information has greatly helped the Committee in assessing more accurately the extent to which ratified Conventions are actually applied in these countries. It hopes that in future even more governments will include in their reports the information asked for in this connection.

123. The following countries have provided information on practical application in more than half the reports concerned: Australia, Austria, Belgium, Bolivia, Chile, Colombia, Cyprus, Czechoslovakia, Denmark, Djibouti, Finland, France, Federal Republic of Germany, Greece, Grenada, Guinea-Bissau, India, Italy, Japan, Libyan Arab Jamahiriya, Luxembourg, Mauritania, Morocco, Mozambique, Nigeria, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Philippines, Rwanda, Spain, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukrainian SSR, United Kingdom, Uruguay, Venezuela, Yugoslavia and Zambia.

124. The Committee has observed, however, that a number of countries have not replied to the questions of the report form concerning practical application. It has addressed direct requests to them on this point, in accordance with the usual practice. The Committee will follow up this question in coming years and will include in its report information that should be useful to governments in this connection.

125. The Committee also takes note with interest of the judicial and administrative decisions on questions of principle relating to the application of ratified Conventions to which certain countries have referred in their reports. Twenty-four reports contain information of this kind and throw additional light on the problems raised in these cases by the practical application of the Conventions in question.

Cases of progress

126. In accordance with its usual 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 53 instances in which measures of this kind have been taken, in 27 States and 5 non-metropolitan territories. The full list is as follows:

<u>Country</u>	<u>Conventions Nos.</u>
Angola	106
Australia	81
Bahamas	22
Bolivia	87
Burundi	29,90
Colombia	18
Cyprus	119
Ecuador	115
Egypt	95,106
Finland	130
Greece	87,98
Guatemala	119,120
Guinea	3,5,13,33,62,90,113,114,136
India	115
Ireland	87
Kuwait	52,106,119
Lesotho	64
Mauritius	17
Morocco	94
Netherlands	111
Nicaragua	95
Panama	127
Paraguay	1,107
Peru	87
Philippines	94
Swaziland	87,95,98
Uruguay	22,94,119

Non-metropolitan territoriesFrance

French Polynesia	77,78
New Caledonia	52

United Kingdom

Gibraltar	8,42
Guernsey	17
Jersey	95

127. 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 risen to more than 1,500 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 different measures that have also been taken following its comments with a view to ensuring a fuller application of ratified Conventions. These 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.

128. These 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 example, the Committee again notes a number of cases this year in which it is clear from the first report on the application of a Convention that new legislative or other measures were adopted shortly before or after ratification: Bolivia (Convention No. 136), Cuba (Convention No. 148), Denmark (Conventions Nos. 73 and 134), Finland (Convention No. 148), Greece (Convention No. 23), Ireland (Convention No. 118), Israel (Convention No. 136), Norway (Convention No. 148), Poland (Convention No. 134), Spain (Convention No. 148), United Kingdom (Convention No. 148), Uruguay (Convention No. 139).

VII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS TO THE COMPETENT AUTHORITIES

(Article 19 of the Constitution)

129. In accordance with its terms of reference the Committee this year examined the following information¹ supplied by the Governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on the steps taken to submit to the competent authorities within the time limit of 12 or 18 months, as provided in the Constitution, the following instruments, adopted at the 67th (1981) Session of the Conference: the Collective Bargaining Convention (No. 154) and Recommendation (No. 163); the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164); and the Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165);
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from its 31st (1948) to its 66th (1980) Sessions to the competent authorities (Conventions Nos. 87 to 153 and Recommendations Nos. 83 to 162);
- (c) replies to observations and direct requests made by the Committee in 1982.

67th Session

130. The Committee notes with interest that the governments of the following 51 member States have indicated that they have submitted

¹ ILO: Summary of information on the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference, Report III, (Part 3), International Labour Conference, 69th Session, Geneva (1983).

to the authorities considered by them to be competent the instruments adopted by the Conference at its 67th Session: Argentina, Australia, Bahrain, Barbados, Bulgaria, Burundi, Byelorussian SSR, United Republic of Cameroon, Central African Republic, Chile, Democratic Yemen, Djibouti, Equatorial Guinea, Egypt, Finland, France, German Democratic Republic, Guatemala, Guinea, India, Israel, Japan, Kuwait, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, Swaziland, Sweden, Switzerland, Turkey, Ukrainian SSR, USSR, United Kingdom, Upper Volta, Venezuela, Yugoslavia, Zimbabwe.

31st to 66th Sessions

131. The Committee notes with interest that appreciable efforts have 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: Gabon (numerous instruments adopted from the 51st to the 62nd Sessions), Guinea (numerous instruments adopted from the 58th to the 67th Sessions), Lebanon (numerous instruments adopted from the 51st to the 66th Sessions), Liberia (a very large number of instruments adopted from the 31st to the 67th Sessions), Malaysia (numerous instruments adopted from the 58th to the 67th Sessions), Mauritania (numerous instruments adopted from the 47th to the 67th Sessions), Tanzania (numerous instruments adopted from the 54th to the 65th Sessions), Togo (numerous instruments adopted from the 60th to the 65th Sessions), Democratic Yemen (instruments adopted from the 62nd to the 66th Sessions).

132. The table in Appendix I to section III of Part Two of the report of the Committee 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 66th Sessions of the Conference.

Comments by the Committee and replies from governments

133. In section III of Part Two of this report, the Committee makes individual observations on the points that 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.

134. 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.

135. The Committee wishes to point out once more 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 the governments concerned will take suitable measures to comply with the Memorandum on submission to the competent authorities.

Special problems

136. 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 (61st to 67th) have in fact been submitted to the competent authorities: Afghanistan, Chad, Ethiopia, Fiji, Jamaica, Malawi and Mozambique.

Submission of certain instruments to the competent authorities of the European Communities

137. The Committee was informed at its 51st Session that the countries of the European Communities had submitted to the Communities' competent authorities the Hours of Work and Rest Periods (Road Transport) Convention (No. 153) and Recommendation (No. 161), 1979, since this field is governed by regulations of the Communities. The Committee notes with interest that, according to information supplied this year by some of the countries concerned, the Commission of the European Communities has transmitted a communication to the Council of Ministers of the Communities in which it refers to the principles of the ILO Constitution and describes the procedure which should be followed in this case for consultation with the social partners in the countries concerned, the results of which have already been communicated in some cases. The Committee hopes that all the governments of the Communities will furnish information on the implementation of the procedure and on the results and decisions to which it may give rise.

VIII. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

(Article 19 of the Constitution)

138. 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 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Rural Workers' Organisations Convention (No. 141) and Recommendation (No. 149), 1975.

139. Of a total of 354 reports requested, only 210 have been received.¹ This represents 59.3 per cent of the reports requested, which is lower than the figure attained last year. The Committee regrets that it is lower than the figure for recent years, which was more than 70 per cent.

140. More particularly, the Committee notes with regret that Chad, Guinea, Honduras, Democratic Kampuchea, Lao Republic, Libyan Arab Jamahiriya, Mozambique and Namibia have not, for the past five years, supplied any of the reports on unratified Conventions and on Recommendations requested under article 19 of the ILO Constitution.

¹ ILO: Summary of reports (articles 19, 22 and 35 of the Constitution), Report III (Parts 1, 2 and 3), International Labour Conference, 69th Session, 1983.

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

142. Part Three of this report (issued separately as Report III (Part 4B)) contains the General Survey of the Committee 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 five members of the Committee, appointed by it.

*
* *

143. Lastly, the Committee would like to express its appreciation of the invaluable assistance again rendered to it by the officials of the ILO, whose competence and devotion to duty make it possible for the Committee to accomplish its increasingly complex tasks in a limited period of time.

Geneva, 23 March 1983.

(Signed) William Douglas,
Acting Chairman.

E. Razafindralambo,
Reporter.

PART TWO

**OBSERVATIONS CONCERNING PARTICULAR
COUNTRIES**

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

A. GENERAL OBSERVATIONS

Afghanistan

The Committee notes 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.

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).

Bangladesh

The Committee has noted the Government's indication that copies of the reports supplied under article 22 of the ILO Constitution have not been sent to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution, "in view of prevailing dispensations". It hopes that the Government will not fail in future to give effect to this provision of the Constitution by communicating copies of the information and reports communicated to the ILO under articles 19 and 22 of the Constitution to the representative organisations of employers and workers.

Bolivia

The Committee notes with regret that once again a large number of the reports due (about one half), including two first reports (Conventions Nos. 95 and 131, on which reports have been due for three years), have not been received. It trusts the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions. The Committee has also noted that the reports supplied under article 22 of the ILO Constitution concerning the

application of Conventions Nos. 102, 117, 118, 120 and 121 do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. The Committee refers to its previous general observation in this connection and hopes that in the future all reports will indicate whether this has been done.

United Republic of Cameroon

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

Central African Republic

The Committee notes that, according to the Government, no copy of its replies to the Committee's comments has been communicated to the representative organisations of workers, since their activities are temporarily suspended. It hopes that, in future, reports will indicate that this communication has been made in accordance with article 23, paragraph 2, of the Constitution.

Chad

The Committee notes with regret that for the eighth year in succession the reports due have not been received. It urges the Government to take the necessary action to ensure the discharge in future of its obligation to report on the application of ratified Conventions.

Democratic Yemen

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

Grenada

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

Iceland

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

Iraq

The Committee notes with regret that for the second year in succession the reports due including six first reports (Conventions

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Nos. 137, 139, 140, 142 and 144, reports on which have been due for three years, and Convention No. 145, a report on which has been due for two years) have not been received. It trusts the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Italy

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

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.

Kenya

The Committee notes with regret that the reports due including ten first reports which have been due for two years (Conventions Nos. 129, 131, 132, 135, 137, 138, 140, 141, 142 and 143) 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.

Lao Republic

The Committee notes with regret that for the ninth year in succession the reports due have not been received. It urges the Government to take the necessary action to ensure the discharge in future of its obligation to report on the application of ratified Conventions.

Lebanon

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

Liberia

The Committee refers to its comments made under Conventions Nos. 22, 23, 55, 58, 92, 112, 113 and 114, and to the three draft decrees communicated by the Government which are intended to give effect to a number of ratified Conventions, including the instruments referred to

above. The Committee hopes that the points raised in its comments will be taken into account by the Government in finalising these draft decrees and that the latter will be adopted soon and will ensure full conformity with the provisions of the Conventions concerned.

Libyan Arab Jamahiriya

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

Mauritania

The Committee notes with regret that once again 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.

Mozambique

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

Nepal

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

Niger

The Committee notes 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.

Pakistan

The Committee has noted, when dealing with the question of the effect on the application of ratified Conventions, of setting up export processing zones, that the adoption in Pakistan of the Export Processing Zone (Control of Employment) Rules, 1982, affected the application of several ratified Conventions. In particular, S.R.O. 1003(I)/82 establishes that the Export Processing Zones Authority may from time to time issue instructions to employers regarding minimum wages, payment of wages, overtime work, leave, holidays, daily and weekly working hours, health and safety measures and other compensations not specifically mentioned in these rules. S.R.O. 1004(I)/82 exempts the export processing zones from all the provisions of the following laws: the Workmen's Compensation Act, 1923; the Factories Act, 1934; the Payment of Wages Act, 1936; the Minimum Wages Ordinance, 1961; the Provincial Employees' Social Security Ordinance, 1965; the West Pakistan Industrial and Commercial Employment (Standing

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Ordinance), 1968; the Industrial Relations Ordinance, 1969; the West Pakistan Shops and Establishment Ordinance, 1969 and the Employees' Old-Age Benefits Act, 1976. In order to assess the extent to which these Rules have affected the application of the Conventions ratified by Pakistan, and in particular Conventions Nos. 1, 4, 6, 14, 18, 19, 27, 32, 41, 45, 59, 81, 87, 89, 90, 98, 106 and 118, the Committee requests the Government to supply a report providing detailed information on the manner in which these Conventions are applied in the export processing zones, and to furnish the text of any instructions, rules, orders or other legislative texts adopted in this connection.

Poland

The Committee notes the Government's indication that, due to temporary suspension of trade union activities in connection with the martial law, it was unable to give effect to article 23 of the Constitution. The Committee hopes that in future it will be possible for copies of reports submitted under articles 19 and 22 of the Constitution to be communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution.

Saint Lucia

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

Somalia

The Committee notes with regret that once again 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.

Sri Lanka

The Committee notes 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.

Thailand

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

Togo

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

Trinidad and Tobago

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

Uganda

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

Upper Volta

The Committee notes 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.

Yemen

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

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Argentina, Bangladesh, Benin, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Central African Republic, Comoros, Costa Rica, Ecuador, Egypt, Ethiopia, France, Guatemala, Guinea, Hungary, Iran, Iraq, Jamaica, Kuwait, Madagascar, Malawi, Mauritius, Nicaragua, Peru, Tunisia, United States, Upper Volta.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919Iraq (ratification: 1965)

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

Article 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 timetables 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 take the necessary action at a very early date.

Kuwait (ratification: 1961)

The Committee notes that a draft revised labour law, which takes account of its previous comments has been prepared and that the Government is in the process of forming a tripartite committee to study the draft prior to its adoption. The Committee trusts that the new labour law will be adopted soon and that it will give full effect to the following Articles of the Convention.

1. Private sector

Articles 1 and 2 of the Convention. The scope of the present labour law which covers the private sector only, does not include temporary workers and workers in small undertakings. The Committee trusts that the new law will cover these two categories of workers as prescribed under these provisions of the Convention.

Article 6, paragraphs 1(b) and 2. Section 34 of the labour law mentioned above prescribes that 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 without fixing a maximum of additional hours which may be allowed in each instance as is provided by the Convention. The calendar year is generally taken as the basis for fixing limitations in time. The Committee trusts that the new law will give full effect to these requirements of the Convention.

2. Public sector

Article 6, paragraphs 1(b) and 2. The Committee notes that Legislative Decree No. 15 of 1979 which covers the public sector contains no indication concerning the maximum daily or annual hours of overtime that may be authorised or the temporary exceptions that may be allowed to enable public undertakings to deal with exceptional cases of pressure of work. The Committee again requests the Government to indicate the measures it intends to take to give full effect to these provisions of the Convention in the public sector as well.

Nicaragua (ratification: 1934)

The Committee takes note of the information supplied by the Government in its report and to the Conference Committee in 1981, and observes that the necessary legislative measures have not yet been adopted with a view to fixing (after consultation with the employers' and workers' organisations) the circumstances in which additional hours

may be worked, or the maximum number of additional hours that may be authorised, in conformity with Article 6, paragraphs 1(b) and 2, of Convention No. 1 and Article 7, paragraphs 2(c), 2(d) and 3, of Convention No. 30. The Committee takes the difficulties facing the Government into consideration, but it points out that the question has been pending for several years. It trusts that the necessary amendments to the legislation will be adopted in the very near future and asks the Government to keep it informed of all developments.

Paraguay (ratification: 1964)

The Committee has examined the report of the Government and takes note with satisfaction of the adoption of Act No. 884 of 11 December 1981 and the regulations issued under it (Resolution No. 521 of 8 March 1982), both of which have been issued in accordance with section 180 of the Labour Code, with a view to regulating the conditions and hours of work in road transport and so to giving effect to the Convention, as the Committee has requested in its earlier comments.

The Committee hopes that the Government will also do everything possible to amend or repeal section 205 of the Labour Code with a view to bringing the legislation into conformity with the Convention, since this section permits the extension of normal daily hours of work in certain cases up to 12 hours per day, which is contrary to the provisions of the Convention.

Peru (ratification: 1945)

The Committee has taken note of the information supplied by the Government in its report, and remarks that the draft decree to which the Government has been referring for a number of years has still not been adopted. This decree was to guarantee that hours of work in excess of 8 per day and 48 per week would be authorised only subject to the restrictions laid down in Articles 3 to 6 of the Convention. However, the Committee notes the Government's statement that these provisions are applied in practice, and trusts that, in these circumstances, the Government will have no difficulty in making this practice compulsory by law in the very near future. The Committee requests the Government to keep it informed of any progress made in this connection.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Costa Rica, Iraq, Lebanon.

Convention No. 2: Unemployment, 1919

Requests regarding certain points are being addressed directly to the following States: Chile, Seychelles.

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

Convention No. 3: Maternity Protection, 1919Colombia (ratification: 1933)

Article 3(a), (b) and (c) of the Convention. 1. The Committee notes that the Government is contemplating a gradual increase of the duration of maternity leave from the present 8 weeks to 12 weeks as required by the Convention, by one week per year, which will be submitted to the Committee on Revision of the Labour Code. The Committee trusts that section 236 of the Labour Code (applicable to the private sector) as well as section 33 of Decree No. 1848 of 1969 (applicable to the public sector) will be amended in the very near future to give effect to these basic provisions of the Convention and that the amendment will also provide for extension of the leave in case of a mistake in estimating the date of confinement. Further, the Committee hopes that the Government will also make every effort to amend section 16(b) of Decree No. 770 of 1975 on maternity and sickness insurance so that maternity benefit shall be paid for 12 weeks, in conformity with the Convention.

2. The Committee also notes that the Government gives priority to the extension of the maternity and sickness insurance scheme to cover the whole of the national territory and that financial assistance for the women not covered by insurance or who do not fulfil the qualifying period will only be provided for once this is done. It hopes that progress will soon be made in this direction and asks the Government to communicate, in its next report, information on the measures taken in this regard.

Guinea (ratification: 1966)

Article 3(c) of the Convention. The Committee notes with satisfaction that Decree No. 2263/MT regulating the Work of Women and Children was adopted on the basis of the draft which was prepared during the direct contacts between a representative of the Director-General of the ILO and the competent national services in 1981. The Committee notes, in particular, that section 12 of the Decree provides, in accordance with the Convention, that a woman shall be entitled at the cost of the National Social Security Fund, to free medical care and half her wages as maternity benefit during the period of her lawful absence, and that the cost of paying the other half of the wages, paid at present by the employer as a supplement to the benefit, will gradually be assumed by the above-mentioned Fund, which would ensure the full application the Convention on this point.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes that the Government's report has not been received. It notes, however, the information supplied by the Government to the Conference Committee in 1982 in reply to previous comments, particularly on the following points:

1. Article 3(a) and (b) of the Convention (length of maternity leave). The Committee notes the Government's statement that a commission has been set up to review the entire legislation including the Labour Code. It hopes that the revision will be completed in the near future so that the Labour Code shall: (a) formally grant to women workers the right to maternity leave of at least 12 weeks, 6 of which have to be taken after childbirth; and (b) provide that this leave shall be granted without any conditions concerning length of employment as is required by the Convention.

2. Article 3(c). (a) The Committee notes with interest the Government's statement that a guarantee fund exists in order to supply maternity benefits to non-independent women workers who are not covered by Act No. 13 of 1980. It requests the Government to supply the text of laws and/or regulations governing this guarantee fund as well as of regulations made under section 25(c) of the above-mentioned Act which the Government states had been drafted, and details on their implementation in practice.

(b) The Committee also hopes that the Labour Code which is now being revised, as well as the regulations made under the new Social Security Act, will include a provision providing, in conformity with the Convention, that in case of an error in the estimation of the date of confinement, the pre-natal leave and payment of maternity benefits shall be continued until the actual date of confinement, without a reduction in the post-natal leave and benefits attached thereto.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future and will supply information on any progress made.

Venezuela (ratification: 1944)

Articles 1 and 3 of the Convention (scope of the social insurance scheme). (a) The Committee notes with interest from the Government's report that the percentage of the economically active female population covered by the maternity insurance scheme has increased to 33.86 per cent in 1982 from 21.5 per cent in the previous year. It hopes that the Government will continue its effort to extend the maternity insurance scheme over the whole territory and indicate in its future reports any progress made in this regard.

(b) With regard in particular to women public officials or employees of the municipalities, of public autonomous institutes or of other public bodies, the Government's report does not contain information on the partial scheme applicable to these women workers which was asked for by the previous observation. However, the Government refers to a draft law creating the "National Health System" which will unify the health services and social security system. The Committee asks the Government to provide in its next report further information on this draft law as well as information on the functioning of the partial scheme mentioned above.

Articles 3(d) and 4 (only for women public officials or public employees). The Committee notes that, in reply to the previous comments relating to the granting of the breaks for nursing and protection against dismissal, the Government again refers to the provisions which relate only to sick leave in general and maternity leave. In these circumstances, the Committee can only reiterate its request and hope that these women workers will soon be entitled to two breaks a day of at least half an hour each for the purpose of nursing and protected from dismissal during their absence on maternity leave, including any extension of this leave due to illness arising out of pregnancy or confinement, as provided for by the Convention.

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

Guinea (ratification: 1959)

With reference to its previous comments, the Committee notes with satisfaction that the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO in 1981 have led to the adoption of Order No. 2263/MT of 9 April 1982 regulating the employment of women and children, section 19 of which requires employers to keep a register of all persons under the age of 16 years employed by them, in accordance with the provisions of Article 4 of the Convention.

Convention No. 6: Night Work of Young Persons (Industry), 1919

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

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

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

The Committee notes that a number of the reports received on the application of the Convention do not contain sufficient information on its practical application which would allow the Committee to assess the way in which the Convention is applied. Since reports on this Convention are, as a general rule, due only at four-year intervals, the Committee requests the governments concerned to try to supply regularly in their general reports the information, and in particular statistics, which are required under Point V of the report form adopted by the Governing Body.

Finland (ratification: 1950)

The Committee notes the information provided by the Government in reply to its earlier comments concerning Article 1, paragraph 2, of the Convention.

Article 2. In its earlier comments the Committee has pointed out that section 58 of Act No. 423 of 7 June 1978 lays down, in accordance with this provision of the Convention, that, where a seaman is given notice of termination because the ship has had an accident or been declared beyond repair, he is entitled to his wages as long as he remains unemployed, up to a maximum of two months. The Committee, however, since it seems possible under section 23 of the Act to limit entitlement to the maintenance of wages in similar cases for a period of two weeks, has called the attention of the Government to this situation.

The Government replies that the above-mentioned section 58 refers to the situation covered by Article 2 of the Convention, that is to say, the termination of the articles of agreement because of the loss or foundering of the ship, whereas section 23 refers to the suspension

of the articles of agreement. In the second case the seaman may, if he wishes, give his employer notice of termination of the articles of agreement and so enjoy the advantages of section 58.

The Finnish Seamen's Union and the Finnish Ship Officers' Union have communicated their observations through the Government on the existence of a contradiction between the above-mentioned sections 58 and 23, a contradiction that disappears only when the articles of agreement are terminated by one of the parties. Until this happens, the seaman is entitled to only two weeks' wages. It is mentioned, however, that in the event of suspension the seaman is entitled to unemployment benefit as long as the payment of his wages is suspended.

The Finnish Shipping Federation has also communicated observations through the Government on the application of this provision of the Convention, finding that sections 58 and 23 of Act No. 423 are not in conflict with each other or with Convention No. 8.

The Committee takes note of all the views expressed to it on this basic provision of Convention No. 8. As it has had occasion to state in earlier comments, section 58 of the Seamen's Act, No. 423 of 7 June 1978, provides for an indemnity that corresponds to that laid down by the Convention in every case of loss or foundering of any vessel, in accordance with Article 2, paragraph 1, of Convention No. 8. It notes the details provided by the Government showing that section 23 of the same Act does not apply to the termination of the articles of agreement through the loss or foundering of the vessel but only to suspension owing to an emergency. This provision, thus interpreted and applied, cannot be considered to be contrary to the Convention. The Committee is of the opinion, however, that, in view of the slightly ambiguous wording, it is advisable to ascertain whether, in practice, the application of this provision does not run counter to the protection granted to seamen by Article 2 of the Convention. It therefore asks the Government and the occupational organisations concerned to communicate any decision relating to specific cases in which the application of section 23 of Act No. 423 runs counter to this basic provision of the Convention.

Iraq (ratification: 1966)

The Committee notes that the Government's report has not been received. The Committee has for some years been calling attention to the need to adopt legislation prescribing (a) in accordance with Article 2 of the Convention, that all persons employed on board a vessel shall be entitled in case of loss or foundering of the vessel to an indemnity fixed at the same rate as the wages payable under their contract for the whole period of actual unemployment, provided that the total indemnity payable to each seaman may be limited to two months' wages, and (b) in accordance with Article 3 of the Convention, that seamen shall have the same remedies for recovering such indemnity as they have for recovering arrears of wages.

In its report for the period 1976-78, and in the information supplied to the Conference Committee in 1979, the Government referred only to seamen employed in vessels of the public sector, indicating that they have the status of officials and that their situation is therefore not affected by loss or foundering of the vessel.

The Committee has taken note of this information but is obliged again to take up the question, trusting that the necessary legislative steps will be taken in the near future to ensure the full application of the Convention to all seamen and not only to those employed on board vessels coming under the public sector.

Jamaica (ratification: 1963)

In reply to the Committee's previous comments concerning section 157 of the United Kingdom Merchant Shipping Act 1894 (applicable to Jamaica), which, unlike the Convention, provides that "in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages", the Government states that the final draft of the Jamaican Bill on Merchant Shipping has now been circulated by the Chief Parliamentary Counsel to the relevant bodies for comments before being submitted to Parliament. The Committee hopes that this Bill will become law shortly and that the Government will supply the text of the new Act.

Mauritius (ratification: 1969)

Article 2 of the Convention. With reference to its earlier comments concerning the forfeiture of the right to unemployment indemnity in cases of shipwreck where it is proved that the seaman has not exerted himself to the utmost to save the ship, cargo and stores (section 157 of the United Kingdom Merchant Shipping Act 1894, read in conjunction with section 1 of the United Kingdom Merchant Shipping (International Labour Conventions) Act 1925, whose application has been extended to Mauritius), the Committee has noted the Government's statement that the revision of the Merchant Shipping Ordinance is still under consideration and that the visit of an expert from the International Maritime Organisation (IMO) is expected to finalise the preparation of the necessary Bill. The Committee trusts that this Bill will become law shortly and that the Government will supply the text of the new Ordinance.

Nicaragua (ratification: 1934)

The Committee notes from the information communicated by the Government that it is taking the necessary steps to submit to the Council of State a draft text to revise the Labour Code, in which account will be taken of the revisions proposed by the ILC which correspond to the economic and social situation of the country.

The Committee hopes that the Government will soon be able to inform it that measures have been taken, as the Government has expressed its intention of doing, which will allow the application of Article 2 of the Convention. It recalls that the present provisions of the Labour Code (section 155 read together with sections 116 and 117) are not sufficient to ensure the full application of the Convention, which provides that the unemployment indemnity due to each seaman (whatever the form of his contract) in case of loss or foundering of the ship - an indemnity which must be equal to his wages - shall be paid for the days during which the seaman in fact remains unemployed, but that it may be limited to two months' wages if the period is longer.

Panama (ratification: 1970)

Article 2 of the Convention. The Committee notes the terms of section 49 of the draft maritime labour text, which, according to the report, should shortly be adopted by the National Legislative Council. It hopes that the Government will be able to inform the Committee of the adoption of this draft in its next report.

Practical application. The Committee has noted with interest in earlier comments the statements by the Government concerning the setting up of a Department of Statistics. It asks the Government to state whether measures have been taken or are still under consideration in this connection, with a view in particular to the communication of the statistics called for at point V of the report form.

Seychelles (ratification: 1978)

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

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.

Sierra Leone (ratification: 1961)

Article 2 of the Convention. With reference to its previous comments on section 157 of the United Kingdom Merchant Shipping Act 1894, the Committee ventures to point out that this provision was repealed in the United Kingdom by the Merchant Shipping Act 1970, as amended in 1979.

The necessary amendments having thus been introduced to the United Kingdom legislation, the Committee hopes that the above-mentioned provision of the 1894 Act may be amended very shortly so as to abolish, in accordance with the Convention, the bar to the right of a seaman to unemployment indemnity in case of shipwreck where it is proved that he has not exerted himself to the utmost to save the ship, cargo and stores.¹

Singapore (ratification: 1964)

With reference to its earlier comments, the Committee takes note of the statement by the Government to the effect that the necessary legislation to extend to masters the right to the employment indemnity -----

¹ The Government is asked to report in detail for the period ending 30 June 1984.

granted to seamen under section 77 of the Merchant Shipping Act will be presented to Parliament in the near future. The Committee trusts that the Government will be able to mention the adoption of this legislation in its next report, for the matter is one that it has been commenting on for a number of years.¹

Sweden (ratification: 1935)

The Committee notes the observations of the Swedish Engineer Officers' Association communicated by the Government with its report for the period 1978-82, to the effect that the principle of seniority, applied in the allocation of engineering officers' posts, may lead in the event of the loss or foundering of a vessel to the replacement of engineer officers employed in other vessels by more senior engineer officers from the lost vessel and to their dismissal. Having studied these observations, the Committee wishes to point out that the present Convention is confined to governing the situation of persons employed on board a vessel who become unemployed as a direct consequence of its loss or foundering; the Convention does not govern other situations such as that created by the application of a certain system of allocating jobs within a profession.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Norway, Papua New Guinea, Portugal, Sri Lanka, Tunisia, United Kingdom.

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

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933)

Further to its previous observations, the Committee has noted the information provided by the Government to the Conference as well as that contained in its report. It has also noted the observations received from the General Confederation of Labour of Colombia (CGT).

Article 2 of the Convention. The Government has indicated that the Bill presented to the Congress in 1980 to regulate private employment agencies with a view to their abolition was not adopted; it now proposes to ask the Congress for extraordinary powers enabling the Executive to issue decrees with force of law so that it can legislate on the functioning of private employment agencies. In its report, the Government recalls that there are no employment agencies especially for seafarers. Although in a previous report it had indicated that 62.9 per cent of the private employment agencies (including many in the principal ports) were unauthorised and without effective government supervision, the Government indicated in a later report that these agencies are supervised by the Ministry of Labour and Social Security by virtue of Decree No. 2676 of 1971 and Decree No. 062 of 1976. A Government representative at the Conference confirmed that there were -----

¹ The Government is asked to report in detail for the period ending 30 June 1984.

a number of private employment agencies operating clandestinely, which the Government was trying to close; assistance was also being sought from the Inter-American Labour Administration Centre (CIAT). The CGT refers in this connection to an agreement, reached in the Intersectoral Tripartite Commission in November 1981, for the prohibition of private employment agencies; however, the CGT points out that such businesses continue to operate and provide poor conditions for the workers concerned, the problems being mitigated in the case of seamen by direct agreements between the trade unions and the shipowners.

The Committee notes with interest that tripartite consultations have taken place with ILO assistance on compliance with ratified Conventions in the maritime field. The Government has indicated that a tripartite working group suggested strengthening the National Employment Service (SENALDE), particularly in the ports, so that it might efficiently fulfil the role of providing free employment agencies. It suggested also that seamen's organisations acting in co-operation with SENALDE should recommend their members to have recourse to SENALDE in order to replace private employment agency activities for seamen. Finally, the working group recommended stricter regulation of private employment agencies. The Government intimates that the necessary finance has been requested from the Planning Ministry in this connection. The Government has also stated that the comments of the CGT will be taken into account by the Committee for Revision of the Labour Code.

The Committee recalls that under the Convention finding employment for seamen should not be carried on as a commercial enterprise, and fees should not be payable for finding employment for seamen. However, a large number of such businesses are still operating in the ports, and this is a matter on which the Committee has expressed its concern in observations for several years. While the Committee welcomes the information concerning tripartite consultations, ILO assistance, and the possibility of legislation to implement the Convention, it must urge the Government to ensure that these developments lead to the adoption of concrete measures in the near future. It hopes the Government will provide full details and copies of relevant legislation.

Articles 4 and 10. Under Article 4, an efficient and adequate system of free public employment offices for seamen should be maintained. In reply to the Committee's previous observations, the Government states that seafarers wishing to enlist usually contact ships in the ports directly rather than resort to the regional offices of SENALDE, and for this reason no statistics as to vacancies or placements are available. However, the Government provides certain data as to foreign seamen and seamen employed by specific undertakings. The Committee has noted that the Government is examining the possibility of finding the financing necessary for implementing the recommendations of the working group referred to above in this respect amongst others. It hopes progress will be made in the light of the Convention's requirements, and that the Government will endeavour to provide all the relevant statistics requested in the report form approved by the Governing Body and in Article 10.

Article 5. The Committee recalls the assistance sought from CIAT mentioned above. The Government indicates in this connection that it has not yet formulated a programme in order to establish advisory committees including representatives of shipowners and seamen to advise on the carrying on of the regional employment offices dealing with seamen, as required by this Article, since this will only be possible after the reforms of SENALDE in line with CIAT recommendations. The Committee can only express the hope that the tripartite consultations

referred to above as well as ILO and CIAT assistance will result in implementation of the Convention in this respect.¹

Mexico (ratification: 1939)

The Committee notes the Government's reply to its previous observation, to the effect that the National Employment Service has been created so recently that it is not yet possible to collect sufficient information and provide statistics on the placing of seamen, as requested, and that the same applies as regards placements made by the Union of Petroleum Workers in aid of shipowners in that sector (PEMEX) and by co-operatives and shipping agents. The Government indicates also that it is unable as yet to provide information on the seamen's and shipowners' organisations represented in the Advisory Council of the Co-ordinating Unit for Employment and Training (UCECA), and on the consultation which had taken place to this effect.

The Committee recalls that the National Employment Service, which would meet the needs of seamen, was due to be fully operative in December 1982. It hopes the Government's next report will give full information on the extent of the system of employment services in relation to seamen and the work done by them in conformity with Article 4 of the Convention, and will include the statistical data referred to above; it hopes the report will also describe the role of the UCECA, with particular reference to consultations of shipowners' and seamen's interests in conformity with Article 5.

*
* *

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

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

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

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

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

New Zealand (ratification: 1938)

The Committee notes the observations submitted by the New Zealand Federation of Labour through the Government concerning Article 1 of the Convention, namely that Part II of the Agricultural Workers Act of 1977 - which governs the organisation of agricultural workers - does not provide the same level of minimum benefits for workers of this category as is provided for industrial workers under the Industrial Relations Act of 1973, for example in respect of hours of work, holidays, etc.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

The Committee considers that, as regards the scope of this Convention, Article 1 of which provides that the same rights of association and combination shall be secured to all those engaged in agriculture as are afforded to industrial workers, these rights would appear to be adequately guaranteed by the provisions of the Agricultural Workers Act of 1977, as amended.

Poland (ratification: 1924)

The Committee is examining under Convention No. 87 the question of the imposition by legislation of a single central organisation for agricultural workers.

Rwanda (ratification: 1962)

In its previous observations the Committee has referred to section 186 of the Labour Code which excludes workers employed in agriculture from the provisions of the Code and has noted with interest that a draft revision of the Labour Code had been prepared providing for their inclusion.

The Committee notes the information provided by the Government in its latest report that the above-mentioned draft revision has been submitted to the competent bodies for examination and that the new Labour Code will be adopted within a short time.

The Committee requests the Government to keep it informed of further developments.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Ecuador, Gabon, Greece, Lesotho, Mozambique, Turkey.

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

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Colombia (ratification: 1933)

The Committee notes that the regulations provided for by section 132 of Legislative Decree No. 1650 of 1977 are to remain in force pending the consolidation of the social security scheme, that is to say, during the transition period that is currently in progress. It also notes that these regulations were introduced as a temporary measure, but contain all the provisions necessary to regulate the provision of services, the entitlement of insured persons to such services, etc. The Committee requests the Government to supply a copy of the above-mentioned regulations.

The Committee also notes that agricultural workers are covered by the statutory workmen's compensation scheme by virtue of the fact that the Labour Code (section 19) is applicable to all inhabitants throughout the national territory. Nevertheless, the Committee wishes to draw the Government's attention once again to the Code, as the

conditions under which compensation is payable under the Code are less favourable than those provided for under the social security scheme, and this is contrary to the provisions of Article 1 of the Convention.

The Committee therefore hopes that pending extension of coverage of the social security scheme to the whole of the national territory, the necessary measures will be adopted to amend the Labour Code so as to guarantee full application of the Convention.

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

Algeria (ratification: 1962)

The Committee notes the Government's statement at the Conference Committee in June 1982, to which the Government refers in its report, that, within the framework of the prevention of occupational hazards, a draft basic law as well as a draft decree and a series of other regulatory texts have been drawn up and will be promulgated at the latest during 1983.

The Committee recalls that, although the Government indicates in its report that the legislation which previously applied the Convention continues to be applied in practice, this legislation was already repealed by Ordinance No. 73-29 which came into force on 5 July 1975. The Committee therefore hopes that legally-binding provisions, in particular those referred to by the Government, ensuring the application of the Convention will be adopted shortly and copies will be supplied with the next report.

Guinea (ratification: 1966)

The Committee notes with satisfaction the adoption of Decree No. 2262/MT of 9 April 1982 concerning the prohibition of use of white lead and sulphate of lead and of all products containing these pigments, prepared during the direct contacts between the national authorities and a representative of the Director-General of the ILO in 1981, which gives effect to the provisions of the Convention.

Further, the Committee notes from the Government's report that the labour inspectors and controllers are presently compiling the statistics on morbidity and mortality caused by lead poisoning among working painters and hopes that the Government will soon be able to communicate the results to the ILO (Article 7 of the Convention).

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

Colombia (ratification: 1933)

In a letter dated 8 November 1982, the General Confederation of Labour (CGT) observes that section 180 of the Labour Code, under which persons working on a compulsory rest day may choose between compensatory rest and payment in cash is contrary to the Convention. The Government replies that the remarks of the CGT and the comments of the Committee will be taken into consideration during the revision of the legislation.

The Committee notes that, under section 180 of the Labour Code, the choice between compensatory rest and payment is authorised only where the worker is called on to work exceptionally on the weekly day of rest. This solution is not necessarily contrary to the provisions of this Convention, Article 4 of which authorises in certain cases exceptions to the principle of the weekly rest. On the other hand, the Committee wishes to point out that this practice is not permissible in respect of persons covered by the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and it is addressing a direct request to the Government on this point.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Eurundi, Comoros, Djibouti, Malaysia.

Information supplied by Guinea-Bissau and Swaziland in answer to a direct request has been noted by the Committee.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Sierra Leone (ratification: 1961)

Article 2 of the Convention. 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 from the Government's report that this question, and also that of the ratification of the Minimum Age Convention, 1973 (No. 138), will be put before the Joint Consultative Committee on Labour Matters. The Committee hopes that Convention No. 15 will soon be applied in full through the adoption of suitable measures.

*
* *

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

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

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

Convention No. 17: Workmen's Compensation (Accidents), 1925Burma (ratification: 1956)

With reference to its previous comments, the Committee has taken note of the information supplied by the Government to the Conference Committee in 1982, as well as in its report, to the effect that the necessary provisions have been incorporated in the new draft Rule which has been submitted to the competent authorities, and that this new draft Rule will be reviewed by the Law Commission constituted on 11 January 1982 and will eventually be submitted to the Pyithu Hluttaw.

The Committee expresses the hope that the review and subsequent adoption of the new Rule, to which the Government has been referring for a number of years, will take place shortly so as to provide:

- (a) in accordance with Article 5 of the Convention, that the compensation payable in the case of accidents resulting in permanent incapacity or death shall be paid to the injured workman or his dependants in the form of periodical payments, and only exceptionally in a lump sum, if the competent authority is satisfied that it will be properly utilised;
- (b) in accordance with Article 10, that no maximum sum shall be fixed for the supply and normal renewal of such artificial limbs and surgical appliances as are recognised to be necessary.

The Committee has taken due note of the statistical data supplied by the Government, and requests it to indicate in its next report: (a) whether the social security scheme has been extended so as to cover new classes of workers throughout the country; (b) whether there have been cases in which injured workmen or their dependants have not received compensation for industrial accidents on account of the insolvency of the employer (Article 11 of the Convention).

Colombia (ratification: 1933)

The Committee takes note of the information supplied by the Government in its report, according to which, under the procedure for tripartite consultation proposed by the Government, representatives of the employers, of the workers and of the Government met to discuss the problems involved in the labour legislation and agreed to formulate concrete proposals for the amendment of the Labour Code. The Committee notes with interest that these proposals are at present being studied by the Government with a view to their incorporation in a Bill to be put before Congress.

The Committee further notes that coverage by the social security scheme operated by the Social Security Institute (ISS) has gradually been widening, and that the Government intends to continue the task of extending the scheme to cover the entire country and all its inhabitants.

Article 2, paragraph 2, of the Convention. The Committee notes that workers not covered by the provisions of Chapter II of Part VIII of the Labour Code may claim compensation for employment injuries through the services of the ISS. However, the Committee notes that the Government here refers only to those parts of the country where the ISS is operating.

The Committee once again requests the Government to indicate how workers in craft establishments employing not more than five workers

not members of the employer's family and workers in undertakings whose capital is less than 50,000 pesos can claim the workmen's compensation provided for in the Convention in areas to which the social security scheme has not yet been extended.

Article 5. In its previous comments the Committee drew the Government's attention to the fact that under section 204, subsection 2, of the Labour Code, in the event of partial or total permanent incapacity or complete invalidity and in the case of death compensation is paid in the form of a lump sum corresponding to a certain number of months' wages (from 23 to a maximum of 30). It is the same under sections 22, 23 and 35 of Decree No. 3135 of 1968 in the event of permanent or partial incapacity or death. However, the Convention, although it does not fix the amount of compensation (which may correspond to a certain percentage only of pay), does provide for its payment in the form of periodical payments throughout the contingency and allows the conversion of these payments into a lump sum only exceptionally, and provided that the competent authority is satisfied that it will be properly utilised.

In its report the Government states that it is considering the proposals for the amendment of the labour legislation which emerged from the talks which took place between the representatives of the employers, the workers and the Government with a view to drafting a Bill which could be put before Congress during the next ordinary legislative session. The Committee takes note of this statement and hopes that the Bill in question will become law in the near future so as to ensure that full effect is given to the Convention. It requests the Government to indicate any progress made in this connection.

Article 7. Further to its previous comments, the Committee notes that employment injury victims who are not only incapable of carrying on any work whatsoever but must have recourse to the assistance of some other person for the essential functions of life are classified as suffering from what section 203 of the Labour Code defines as "complete invalidity". They are therefore entitled to compensation equivalent to 30 months' wages, six of which should be deemed to be what Article 7 of the Convention qualifies as additional compensation. However, since, according to this provision of the Convention, the additional compensation should be paid in the form of periodical payments, as it is a percentage to be added to the compensation for permanent incapacity provided for in Article 5 of the Convention, the Committee hopes that the Government will take the necessary steps to give full effect to this provision of the Convention.

Article 9. Further to its previous comments, the Committee notes that in cases where injured workmen need medical, pharmaceutical, surgical and hospital assistance after the expiry of the period limited by section 204, subsection 1, of the Labour Code, such assistance may be provided by the Social Security Institute under the general sickness insurance scheme.

The Committee points out once again that the Convention calls for the provision throughout the contingency of such medical, surgical, pharmaceutical and hospital assistance as is found to be necessary. It requests the Government to indicate how such assistance is made available to injured workmen who need it longer than the limited period specified in section 204, subsection 1, of the Labour Code in areas to which the social security scheme has not yet been extended.

Article 10. In its previous comments the Committee remarked that section 204, subsection 1, of the Labour Code provides for the supply of necessary artificial limbs and surgical appliances but not for their renewal, as required by the Convention. Furthermore, Decree No. 3135 of 1968 contains no provisions on this matter.

In its report the Government states that clause (b) of section 9 of Decision No. 155 of 1963 of the Council of the Social Security Institute, approved by Decree No. 3170 of 1964, provides that every employee registered with the social security scheme who is injured in an industrial accident shall be entitled to the normal supply, repair and renewal of such prosthetic and orthopaedic appliances as are deemed necessary. The Committee however notes that this provision will not apply in areas where the social insurance scheme has not been extended.

The Committee also notes that Decree No. 3170 of 1964 is not applicable to workers employed in public administration, and that according to section 1 of Decree No. 1650 of 1977, which lays down the procedure for the establishment and administration of the compulsory social insurance scheme, compulsory social insurance for public servants is governed by special provisions.

The Committee requests the Government to indicate whether Decision No. 155 of 1963 is applicable to workers employed in public administration, and, if so, under what provisions.

The Committee expresses the hope that the Government will be able to indicate in its next report what progress has been made in regard to the promised reform of the Labour Code, and also supply information on the extension of the social security scheme, and particularly the occupational risks branch, referring to the number of workers covered and their percentage to the total number of wage earners in the country, both in the private sector and in the public sector (with the exception of agricultural workers).

Iraq (ratification: 1960)

The Committee notes with regret that no report has been received for the second time in succession. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the following matters which have been raised for some years:

Article 2 of the Convention

- (a) The Retirement and Social Security Act, No. 39 (1971), applies to all workers and salary earners in state and private enterprises employing at least ten persons. Since the Convention covers all enterprises, undertakings and establishments, whether public or private, irrespective of the number of workers employed in them, the Committee again expresses the hope that measures may be rapidly adopted to extend the social security scheme to cover all the above-mentioned establishments. It requests the Government to report any progress made in this connection.
- (b) The Committee also requests the Government to state whether the social security scheme, and in particular the workmen's compensation branch, has been extended to cover all the workers and all the regions of the national territory.

Article 5. The Committee has already asked the Government to state whether guarantees of the proper use of compensation paid in the form of a lump sum to the victim of an occupational accident suffering from permanent incapacity of less than 35 per cent (or to the dependants in the event of death) are supplied to the competent authorities in accordance with the provisions of the Convention. Since the Government has neither replied on this point nor supplied the text of the instructions concerning lump-sum payments that it referred to in its previous reports, the Committee can only return to the question, expressing the hope

that the next report will indicate how full effect is given to the Convention on this point.

Article 7. The Government indicated that additional compensation (to a maximum of 200 dinars) is paid to victims of accidents whose incapacity necessitates the constant help of another person. The Committee requests the Government to indicate whether the practice is covered by a provision in laws or regulations and, if so, to provide a copy of the texts.

Article 9. The Committee noted that medical care is provided in some regions of the country by the Retirement and Social Security Institute. It requests the Government to indicate whether the medical centres that it intended to set up in the various districts of the country outside the capital have been established and are working.

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

Mauritius (ratification: 1968)

The Committee notes with satisfaction the entry into force of the National Pensions Act 1976, which contains provisions corresponding to those of the following Articles of the Convention: Article 5 (payment of compensation in the form of periodical payments in the case of permanent incapacity or death); Article 7 (additional compensation for injured workmen whose incapacity necessitates the constant help of another person); Article 9 (provision of necessary medical and surgical aid); Article 10 (supply and renewal of necessary artificial limbs and surgical appliances) and Article 11 (guarantee against the insolvency of the employer or insurer).

The Committee is also drawing the Government's attention to certain points in a direct request.

Sierra Leone (ratification: 1961)

Article 5 of the Convention. In reply to the comments that the Committee has been making for some years, the Government states in its last report, as it did to the Conference Committee in 1982, that a number of administrative difficulties, such as the absence of a national social security scheme or even a provident fund make it difficult to administer periodical payments to injured workers or their dependants and make it impossible for the competent authority to be sure that a lump sum paid instead of periodical payments is properly utilised. The Government adds that it is still considering the problem and will welcome any suggestion or recommendation that the Committee may make to assist in settling it.

The Committee takes note of this statement and ventures to remind the Government that during the period that an official of the Ministry spent with the ILO in 1979, consideration was given to how the legislation could be amended to bring it into harmony with this provision of the Convention. A draft amendment to sections 6, 7 and 8 of the Workmen's Compensation Ordinance 1954, as amended in 1969, was also prepared.

The Committee has asked the Office to transmit a copy of this draft to the Government together with its comments.

Article 11. The Government states that, in practice, no cases have been brought to the notice of the Ministry of Labour or before the

courts in which the provisions of sections 27 and 28 of the Workmen's Compensation Ordinance have proved to be an inadequate guarantee of payment of compensation in the event of the insolvency of the employer or insurer. The Committee takes note of this information.

*
* *

With reference to Articles 5 and 11 of the Convention, the Committee considers that the problems arising from their application can be settled in the context of a general revision of workmen's compensation legislation that will make it possible in practice to ensure, through suitable machinery and structures, the guarantee of periodical payments. The Committee understands that the Government is at present asking for assistance covering several branches of social security in their various legal, administrative and financial aspects. It hopes that the problems arising from the application of Articles 5 and 11 of the Convention will be settled under a technical co-operation project with the participation of the ILC.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Mauritius, Saint Lucia.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Benin (ratification: 1960)

The Committee has studied the reply of the Government to its earlier comments and regrets to note that there has been no progress in the amendment of Ordinance No. 10/PCM of 21 March 1959, on which the Committee has been commenting for a number of years. The Government states that a committee has been set up under the Social Security Office of Benin to bring the existing social security texts up to date and that the comments of the Committee of Experts will be taken into account in its work.

The Committee ventures to remind the Government that its earlier reports too have referred to the setting up of a committee to amend the Ordinance but there is so far no information as regards the results achieved. In these circumstances, the Committee can only raise the question again, trusting that the list in the national legislation will be supplemented in accordance with Article 2 of the Convention on the following points:

- (a) Poisoning by lead, its alloys or compounds. The list of occupational diseases appended to the above-mentioned Ordinance contains only a restrictive list of certain pathological manifestations due to these forms of poisoning, whereas the Convention, which is drafted in general terms on the point, covers all forms of poisoning caused by these substances.
- (b) Poisoning by mercury, its amalgams and compounds. The list in the national legislation mentions neither these forms of poisoning nor the activities that may cause them, which is contrary to the Convention.

- (c) Anthrax infection. The national legislation refers, among the activities that may cause this infection, to the loading and unloading and transport of animal remains or of receptacles that may have contained such remains, whereas the Convention covers these operations for all merchandise in general, with a view to protecting workers who may unwittingly have handled merchandise that has been in contact with infected animals or animal remains.

The Committee asks the Government to report all progress made in this respect and also suggests the possibility of calling on the technical assistance of the ILO with a view to removing the divergencies referred to above.¹

Central African Republic (ratification: 1960)

With reference to its previous comments, the Committee notes the information supplied by the Government to the Conference Committee in 1982, as well as in its report, to the effect that the draft decree drawn up as a result of the direct contacts of 1978 has been submitted to the competent authorities and should be adopted very shortly, thus bringing the list of occupational diseases appended to Order No. 59-6C of 1959 into conformity with the schedule to Article 2 of the Convention, by deleting the limitative element in the list of pathological symptoms which may be caused by lead poisoning and mercury poisoning and adding, among the kinds of work which may lead to anthrax infection, the operations of "loading and unloading or transport of merchandise" in general.

The Committee hopes that this draft decree will be adopted shortly and requests the Government to indicate the progress made in this respect.²

Colombia (ratification: 1933)

With reference to its previous comments, the Committee notes with satisfaction the amendment of Decision No. 539 of 1974 by means of Decision No. 027 of 13 July 1982, section 2 of which mentions among the kinds of work likely to cause anthrax infection, the operations of loading, unloading and transport of merchandise in general, while section 3 provides that the diseases listed in the "Schedule of Classification of Diseases for the Purposes of Employment Injury Insurance" adopted by virtue of the Decision of 1974 shall be presumed to be occupational when they are contracted by workers engaged in specified activities which give rise to them, in accordance with the requirements of the Convention.

Upper Volta (ratification: 1960)

The Committee observes that the report of the Government has not been received. It notes the statement by the Government representative to the Conference Committee in 1982 to the effect that the preparation of the decree to revise the list of occupational diseases has been -----

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

² The Government is asked to supply full particulars to the Conference at its 69th Session.

delayed, despite its importance, by the need to adopt other texts of equal national importance. The Committee trusts that this decree, a draft of which was worked out in 1980 with the technical assistance of the ILO, will be adopted very shortly so as to include among the occupational diseases and the activities likely to cause them, in accordance with Article 2 of the Convention:

- (a) in general terms, all forms of poisoning by lead, its alloys or compounds and their sequelae (not only certain pathological manifestations listed restrictively as diseases due to lead poisoning, as in the list at present in force);
- (b) poisoning by mercury, its amalgams and compounds and their sequelae and the activities likely to cause such poisoning;
- (c) the loading and unloading or transport of merchandise in general, to be included among the activities likely to cause anthrax infection which already appear in the legislation.

The Committee requests the Government to indicate any progress made in this connection.¹

*
* * *

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, Grenada.

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

Bahamas (ratification: 1976)

With reference to its earlier comments, the Committee notes with satisfaction from the report of the Government that Amendment No. 5 to the Merchant Shipping Act, 1976, came into effect on 31 March 1982 and that it reduces from 300 to 100 gross registered tons the displacement of ships that may be excluded from the scope of the Convention, in accordance with Article 1, paragraph 2.

Colombia (ratification: 1933)

With reference to its previous observations, the Committee notes from the information communicated by the Government and given by its representative to the Conference Committee in 1982 that, while the Government considers that the existing legal provisions provide a basis

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

for the Convention's application, it is fully aware of the urgency of adopting specific measures for this purpose. The Committee notes with interest that an ad hoc tripartite working group was assembled, with the assistance of the Office, during the 1982 Conference, and that a draft labour statute for seafarers is being drawn up for which the possibility of requesting the ILO's assistance is being considered.

The Committee hopes that the necessary measures will be taken in the near future to ensure the full application of the Convention.

France (ratification: 1926)

The Committee refers to the observations presented by the National Federation of Maritime Trade Unions concerning the different treatment accorded Indonesian and Indian seafarers on board French vessels and also to the comments of the Government on the matter.

It notes the information provided by the Government in 1982 to the effect that this problem no longer affects Indian staff, the decision having been taken in July 1981 to put an end to the exception to French shipping regulations caused by the vessel in question.

With regard to Indonesian staff, the Federation states that they are not regarded as seafarers by the company or by the Government and that they are supplied to the company by an intermediary on conditions that are inferior to those fixed by the legislation and the collective agreements in force and that Convention No. 22, which lays down clear rules in respect of engagement, is thus entirely ignored.

In its comments the Government has stated that, in law, a seafarer is defined in France as any person entering into an agreement with a shipowner with a view to performing a service on board a vessel and meeting the conditions required for the exercise of the occupation, including that of maritime training. The Indonesian staff referred to by the Federation is not paid by the shipowner but by another undertaking, which furnishes the services. This staff has no maritime qualifications and is employed exclusively in the passengers' catering service. According to the Government, the different treatment referred to by the Federation is therefore justified by the differences in legal status, in professional qualifications and in employment between this staff and the seamen.

The Committee takes note of the above information. It observes that Article 2(b) of Convention No. 22 provides that, for the purpose of the Convention, the term "seaman" includes every person employed or engaged in any capacity on board and entered on the ship's articles. The provisions of the Convention apply to a "seaman" so defined.

The question is thus whether the Indonesian staff in question must be regarded as seamen under the above-mentioned Article 2(b) of the Convention.

The definition contained in this Article applies to "every person employed or engaged in any capacity on board" and must therefore include the Indonesian staff in question, provided that its members are entered on the ship's articles. Though the information available suggests that this is not so, the Committee has no clear indication on the point.

If the Indonesian staff in question is entered on the ship's articles, Convention No. 22 should be applied to it, particularly the provisions of Article 3, which lay down that "articles of agreement

shall be signed both by the shipowner or his representative and by the seaman" (paragraph 1) and that "the agreement shall not contain anything which is contrary to the provisions of national law" (paragraph 4).

The Committee accordingly requests the Government to examine this question, taking account of the above considerations, and to provide all relevant information in this respect.

Article 9, paragraph 1, of the Convention. The Committee has been making comments for a number of years on certain provisions of the Maritime Labour Code that appear to it to restrict the possibility for the seaman to terminate his agreement in a foreign port and thus to be contrary to this provision of the Convention, under which a seaman is entitled, subject to notice, to terminate an agreement for an indefinite period in any port where the vessel loads or unloads.

The Committee takes due note of the information on this matter contained in successive reports of the Government. In its last report, the Government expresses the view that the seaman is entitled to terminate his agreement under section 10 of the Maritime Labour Code, which lays down as a general principle the possibility of terminating the agreement, whether the seaman is in a metropolitan port or not. According to the report, sections 95, 98 and 101 lay down the specific conditions of application of this principle.

The Committee notes that the relevant terms of the above-mentioned provisions of the Maritime Labour Code are the following:

In respect of termination by the seafarer, section 95 provides that, in metropolitan ports, the articles of agreement may be terminated by decision of either of the parties on the expiration of the notice fixed in accordance with section 10. Section 101 (failure of the shipowner to perform his obligations) provides that, in metropolitan ports, the shipping authority may authorise the seamen to disembark immediately for grave reasons. In respect of dismissal of the seaman by the master, section 98, on the other hand, provides in the interest of the seaman that, outside metropolitan ports, the master may dismiss the seaman only with the authorisation of the maritime authority.

It follows from the above provisions, which, as the report states, determine the conditions of application of the principle laid down by section 10 of the Code of the possibility of terminating the agreement, that, although the seafarer may give notice of termination, termination can take effect only in metropolitan ports (or under section 96 of the Code, in ports of an overseas department or territory for a seaman embarked in a vessel registered in one of these ports).

The Committee hopes accordingly that the Government will reconsider the question and that suitable measures may be taken to bring the national legislation into conformity with the Convention on this point.

Federal Republic of Germany (ratification: 1930)

Article 9, paragraph 1, of the Convention. The Committee refers to its previous comments concerning section 63, subsection 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 noted in 1982 that an agreement had been reached with the social partners with a view to an amendment of the provisions of the 1957 Act.

The Committee now notes with interest from the report of the Government that, under the above-mentioned agreement, the Government has put before the legislative bodies a bill that was to be adopted in the autumn of 1982. The Committee hopes that the Government will shortly be able to provide a copy of the text as adopted.

Iraq (ratification: 1966)

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

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.

Mexico (ratification: 1954)

Article 9, paragraph 1 of the Convention. The Committee has pointed out on several occasions, in its comments on this point, that section 209(III) of the Federal Labour Act, the terms of which appear to prohibit termination by the seaman of an agreement for an indefinite period when the ship is abroad, is not in conformity with this provision of the Convention, which provides that such contracts may be terminated in any port where the vessel loads or unloads, provided that the agreed notice has been given. The Government had indicated its intention of continuing to study the possibility of amending the legislation.

In its latest report, the Government considers that it is not appropriate to amend the legislation because of the new interpretation which has been given to section 209(III) of the Act. According to the report, this section determines the exceptional circumstances to which paragraph 3 of Article 9 of the Convention refers, in the sense that when the ship is abroad, notice of termination of the contract does not take effect when the ship is in an uninhabited place or in a port, on condition in the latter case that the ship is exposed to a risk; but in all other normal circumstances the termination will take effect when the ship is abroad.

The Committee takes due note of this interpretation of the Act. It must, however, point out that these provisions are ambiguous, as shown by the fact that they have given rise to various interpretations in the Government's previous reports.

The Committee therefore hopes that the Government will take the appropriate measures to amend section 209(III) of the Federal Labour Act in order to eliminate any possible doubt as to its conformity with the provisions of the Convention.

Pakistan (ratification: 1932)

Article 1 of the Convention. Further to its previous comments, the Committee has noted with interest the information supplied by the Government to the Conference Committee in 1982 to the effect that the scope of the Convention has been extended by Executive Order to seamen

engaged in ports outside Pakistan for service on Pakistani vessels, pending the promulgation of the new Merchant Shipping law, adoption of which has been delayed, and which, according to the Government's report, will give effect to the Convention on this point. The Committee hopes that the above-mentioned law will be adopted in the near future.

Panama (ratification: 1970)

Article 9, paragraph 1 of the Convention. With reference to its previous comments, the Committee notes with interest the Government's statement in its report that the draft labour legislation for the Panamanian Merchant Marine, drawn up with the technical co-operation of the ILO and now under consideration by the National Legislative Council, contains a provision under which it will be possible for an agreement for an indefinite period to be terminated by either party in any port where the vessel loads or unloads, provided that a notice of not less than two weeks has been given. The Committee hopes that this draft legislation will be adopted in the near future.¹

Peru (ratification: 1962)

Article 5, paragraph 2, Article 6, paragraph 3 (8) and (11), Article 7 and Article 9, paragraph 2, of the Convention. The Committee notes from the information supplied by the Government in its report that the Articles that have been the subject of earlier observations are being examined by a special standing committee set up to carry out the studies required by the application of maritime Conventions and that the results will be communicated to the ILO as soon as the amendments to bring the legislation into conformity with the Convention have been adopted. The Committee hopes that the Government will be able to supply information on the measures adopted with its next report.

Article 9, paragraph 1. The Committee notes that this provision of the Convention will also be studied by the special committee. It points out that section 673 of the Harbourmasters' Offices and National Merchant Marine Regulations is contrary to this provision of the Convention, which deals with a fundamental question, since it guarantees to seafarers their freedom of choice and movement, granting them the right to terminate an agreement for an indefinite period in any port where the vessel loads or unloads, provided that the notice specified in the agreement is observed. The Committee hopes that the Government will indicate any progress made in this connection in its next report.

Somalia (ratification: 1960)

Further to its previous observation, the Committee notes from the Government's report that the amendments to the Maritime Code proposed by a committee of experts to the Standing Committee of the People's Assembly have not yet been adopted. Since the revised Code is expected to give effect to Article 6, paragraph 3(10)(c), and Article 9, paragraphs 1 and 2, as well as to Articles 4, 8, 13 and 14 of the Convention, the Committee trusts that these new provisions will soon be

¹ The Committee is asked to report in detail for the period ending 30 June 1984.

adopted and that the Government will supply a copy of them with its next report.¹

Uruguay (ratification: 1933)

With reference to its earlier comments, the Committee takes note with satisfaction of Shipping Order No. 16 of October 1982, which lays down rules for the conclusion of the articles of agreement of seamen and fishermen, in accordance with Article 3 of the Convention, and also of Shipping Order No. 15 of 4 August 1982, under which the revised seaman's book no longer contains any reference to the quality of the seaman's work, thus conforming to Article 5, paragraph 2, of the Convention.

Venezuela (ratification: 1944)

With reference to its previous observations, the Committee notes that, according to the Government's report, the final draft of the regulations on seafarers' articles of agreement will be in conformity with the requirements of the Convention. The Committee recalls 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) there are no provisions in the legislation corresponding to those of Article 8 (measures to enable a seaman to obtain clear information on board as to the conditions of employment), Article 13, paragraph 1 (possibility for a seaman to take his discharge to obtain a post of a higher grade), and Article 14, paragraph 2 (right of a seaman to obtain from the master a certificate as to the quality of his work).

The Committee hopes that the next report will contain information on the progress made in giving effect to the Convention.¹

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Ghana, Liberia, Panama, Papua New Guinea, Tunisia.

Convention No. 23: Repatriation of Seamen, 1926

Ireland (ratification: 1930)

Article 3, paragraphs 1 and 4, of the Convention. Referring to its earlier comments, the Committee recalls that section 32 of the Merchant Shipping Act, 1906, does not cover the right to repatriation of (a) the 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 of these exceptions conflicts with -----

¹ The Government is asked to report in detail for the period ending 30 June 1984.

Article 3, paragraph 1, of the Convention, and the second, when applied to a foreign seaman who joins a ship in his own country, conflicts with paragraph 4 of the same Article. While the Government affirms that national practice in the matter is in conformity with the Convention, it has been referring since 1965 to the proposed revision of the merchant shipping legislation. In its last report the Government again states that it has not been possible to give priority to an amendment to section 32, but that the necessity for revision has been noted and will be borne in mind.

The Committee can only emphasise that, as long as section 32 has not been amended, the seafarers concerned will not enjoy the protection to which they are entitled by virtue of the ratification of this Convention by Ireland. It trusts that the necessary measures will be adopted in the near future.¹

*
* *

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

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

Chile (ratification: 1931)

Article 4, paragraph 1, of the Convention. The Committee has examined the last two reports of the Government, which cover the periods 1978-81 and 1981-82, and regrets to note that the new national social security scheme still fails to provide for the free supply to insured persons of "sufficient medicines and appliances" throughout the whole of the period prescribed, that is, from the commencement of the illness and at least until the period prescribed for the grant of sickness benefit expires. In particular, the Committee takes due note of the Government's statement that the present economic situation of world recession, to which Chile is no exception, makes it impossible to supply free medicines and appliances as laid down by this provision of the Convention. It ventures to point out, however, that it has been calling attention to this problem for many years without being able to observe any progress in the matter. The Committee trusts that suitable measures will be adopted in the near future to give full effect to this provision of the Convention and asks the Government to provide information on any progress made.¹

Colombia (ratification: 1933)

The Committee has taken note of the information supplied by the Government as concerns the municipalities where the Colombian Social Security Institute is operating. It has also taken note of the Government's statement to the effect that priority is being given to

¹ The Government is asked to report in detail for the period ending 30 June 1984.

the extension of the Institute's coverage so that its services may be available throughout the national territory; it hopes that the progress made in this respect will continue and requests the Government to supply with its next report information as to the action taken in this connection.

Haiti (ratification: 1955)

The Committee takes note of the statements made by the Government in its reports for the periods 1979-80 and 1981-82 and of the information furnished to the Conference Committee at its 66th (1980) Session, to the effect that, following a request for technical assistance, the ILO carried out a mission of evaluation in 1980 with a view to launching a technical co-operation project in the field of social security. The Committee hopes that this technical co-operation project - which it understands is to start very shortly - will enable the Government to give effect to the basic provisions of this Convention. The Committee asks the Government to indicate in its next report any progress made.¹

Peru (ratification: 1945)

Article 2, paragraph 1, of the Convention (persons protected). In its previous comments the Committee expressed the hope that steps would be taken to provide medical treatment in all the provinces to which reference is made in Presidential Decree No. 002-75-TR of 1975. In this connection the Committee takes note of the statement made by the Government to the Conference Committee in June 1982 to the effect that several projects are under way for the creation of assistance centres or medical posts in the rural centres, so as to extend social security benefits to the provincial level. Bearing in mind that this problem has been pending for many years, the Committee ventures to suggest that the Government might consider the possibility of seeking technical advice from the ILO with a view to overcoming this difficulty in application in the near future. The Committee requests the Government to supply information on any progress made in this connection.

Article 4, paragraph 1 (medical treatment). In its previous comments the Committee expressed the hope that it would be possible to abolish certain qualifying conditions laid down in section 18 of Legislative Decree No. 22482 of 27 March 1979, on which the granting of medical treatment depends in principle (payment of a number of monthly contributions). In this connection the Committee takes note of the statement made by the Government to the Conference Committee in June 1982 to the effect that the comments in question had been brought to the attention of the Peruvian Institute of Social Security and of the General Directorate of Welfare and Social Security of the Ministry of Labour and Social Promotion, in order that the measures necessary to bring section 18 of the above Legislative Decree into conformity with Article 4 of the Convention might be taken. Bearing in mind that this problem as well has been pending for many years, the Committee ventures to suggest that the Government might consider the possibility of seeking technical advice from the ILO with a view to overcoming this difficulty in application in the near future. The Committee requests

¹ The Government is asked to report in detail for the period ending 30 June 1984.

the Government to supply information on any progress made in this connection.¹

*
* * *

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

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

Chile (ratification: 1931)

Article 4, paragraph 1, of the Convention. The Committee has examined the last two reports of the Government, which cover the periods 1978-81 and 1981-82, and regrets to note that the new national social security scheme still fails to provide for the free supply to insured persons of "sufficient medicines and appliances" throughout the whole of the period prescribed, that is, from the commencement of the illness and at least until the period prescribed for the grant of sickness benefit expires. In particular, the Committee takes due note of the Government's statement that the present economic situation of world recession, to which Chile is no exception, makes it impossible to supply free medicines and appliances as laid down by this provision of the Convention. It ventures to point out, however, that it has been calling attention to this problem for many years without being able to observe any progress in the matter. The Committee trusts that suitable measures will be adopted in the near future to give full effect to this provision of the Convention and asks the Government to provide information on any progress made.¹

Colombia (ratification: 1933)

The Committee has taken note of the information supplied by the Government as concerns the municipalities where the Colombian Social Security Institute is operating. It has also taken note of the Government's statement to the effect that priority is being given to the extension of the Institute's coverage so that its services may be available throughout the national territory; it hopes that the progress made in this respect will continue and requests the Government to supply with its next report information as to the action taken in this connection.

Haiti (ratification: 1955)

The Committee takes note of the statements made by the Government in its reports for the periods 1979-80 and 1981-82 and of the information furnished to the Conference Committee at its 66th (1980) Session, to the effect that, following a request for technical assistance, the ILO carried out a mission of evaluation in 1980 with a -----

¹ The Government is asked to report in detail for the period ending 30 June 1984.

view to launching a technical co-operation project in the field of social security. The Committee hopes that this technical co-operation project - which it understands is to start very shortly - will enable the Government to give effect to the basic provisions of this Convention. The Committee asks the Government to indicate in its next report any progress made.¹

Peru (ratification: 1945)

Article 2, paragraph 1, of the Convention (persons protected). In its previous comments the Committee expressed the hope that steps would be taken to provide medical treatment in all the provinces to which reference is made in Presidential Decree No. 002-75-TR of 1975. In this connection the Committee takes note of the statement made by the Government to the Conference Committee in June 1982 to the effect that several projects are under way for the creation of assistance centres or medical posts in the rural centres, so as to extend social security benefits to the provincial level. Bearing in mind that this problem has been pending for many years, the Committee ventures to suggest that the Government might consider the possibility of seeking technical advice from the ILO with a view to overcoming this difficulty in application in the near future. The Committee requests the Government to supply information on any progress made in this connection.

Article 4, paragraph 1 (medical treatment). In its previous comments the Committee expressed the hope that it would be possible to abolish certain qualifying conditions laid down in section 18 of Legislative Decree No. 22482 of 27 March 1979, on which the granting of medical treatment depends in principle (payment of a number of monthly contributions). In this connection the Committee takes note of the statement made by the Government to the Conference Committee in June 1982 to the effect that the comments in question had been brought to the attention of the Peruvian Institute of Social Security and of the General Directorate of Welfare and Social Security of the Ministry of Labour and Social Promotion, in order that the measures necessary to bring section 18 of the above legislative Decree into conformity with Article 4 of the Convention might be taken. Bearing in mind that this problem as well has been pending for many years, the Committee ventures to suggest that the Government might consider the possibility of seeking technical advice from the ILO with a view to overcoming this difficulty in application in the near future. The Committee requests the Government to supply information on any progress made in this connection.

The Committee also repeats its earlier request for detailed information, and in particular statistics, on the application to rural workers in each province in the country of Legislative Decree No. 22482 of 27 March 1979 for the establishment of the health benefits scheme and also of Regulations No. C8-80-TR of 30 April 1980, issued under it.¹

*
* * *

¹ The Government is asked to report in detail for the period ending 30 June 1984.

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

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

India (ratification: 1955)

The Committee refers to the observations submitted by the Bengal Motion Picture Employees' Union concerning the application of the Convention and to the comments of the Government on the matter.

In its observations, the above Union indicates, inter alia, that the notified minimum wage as fixed by the State Government of West Bengal in 1970 has not been implemented for a large number of workers. The Government states in reply to these observations that though the minimum wage for workers employed in the film industry was revised under a Notification dated 17 July 1970, issued under the Minimum Wages Act, 1948, it could not be implemented because an injunction was obtained by the employers from the Calcutta High Court restraining enforcement of the revised minimum wage. This injunction, according to the reply of the Government, continued until 1 April 1979 when it was dissolved, but the employers preferred an appeal and as a result of an interim order passed in the appeal, the earlier injunction was revived. Ultimately, however, the Government states, the Calcutta High Court issued an interim order on 22 February 1980, making it obligatory on the employers to continue paying the minimum wage and the "dearness allowance". It does not however appear from the reply of the Government that, subsequent to the making of the interim order on 22 February 1980, the employers have been paying the revised minimum wage and the "dearness allowance".

The Committee regrets to note that the minimum wage, though revised on 17 July 1970, should have remained unimplemented for a period of over nine years. The Committee would like to know whether any steps were taken by the Government of West Bengal for obtaining expeditious hearing of the case pending before the Calcutta High Court. The Committee wishes to point out that, under the terms of the Convention, a ratifying country "undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers" (Article 1, paragraph 1), and "that the minimum rates which have been fixed shall be binding on the employers and workers concerned" (Article 3, paragraph 2(3)). The Committee hopes that the present case will be resolved in the near future and that the Government will supply information on its outcome and on any measures taken by the Government of West Bengal for ensuring payment of the revised minimum wage to the workers with effect from the date when it became effective. The Committee further recalls that the State is responsible, as a Member of the ILO, for international obligations arising from the ratification of the Convention.

United Kingdom (ratification: 1929)

The Committee has taken note of the observations presented by the Trades Union Congress in its communication dated 18 February 1983 concerning the application of the Convention in the United Kingdom, more particularly as regards enforcement measures under Article 4 (supervision and sanctions, informing the employers and workers concerned on the minimum rates of wages in force and measures to ensure observance of these rates). These observations were sent to the

Government on 1 March 1983 to enable it to submit comments. The Committee accordingly hopes that full information on the above matters will be available from the Government at its next session so that the Committee will then be in a position to examine the issues raised by the Trades Union Congress.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Guinea-Bissau, Nigeria, Togo.

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

Convention No. 29: Forced Labour, 1930

General note

A member of the Committee, Mr. Ivanov, stated that he was opposed to the examination of a question relating to the application of Convention No. 29 concerning forced or compulsory labour in the USSR this year.

First, according to the established procedure, the question of the application of this Convention in the USSR should not be examined this year. Examination of it was not in conformity with the fundamental principles and methods of work of the Committee of Experts or the decision of the Governing Body (201st Session, November 1976).

Second, the examination of questions concerning persons "living a parasitic way of life", so-called forced labour for construction of the gas pipeline from Siberia to western Europe, and the work of Vietnamese citizens in the USSR for training purposes took place on the exclusive basis of information coming from an interested party - the International Confederation of Free Trade Unions and the World Federation of Labour. The same applies to the examination of questions as to the application of Convention No. 111 concerning discrimination, and Convention No. 122 concerning employment policy, the ICFTU's information having been sent to the Soviet Government in October 1982, after it had prepared the reports concerning these Conventions.

Third, the examination of the question of alleged forced labour for the construction of the gas pipeline took place at a time when the responsible officials of the ILO had been officially invited by a letter of the Vice-President of the Central Council of Soviet Trade Unions, dated 25 October 1982, to visit the Euro-Siberian gas pipeline construction work site at any time convenient to them, in order to observe the conditions of work and living of the Soviet workers employed there on the spot.

As regards the observations on the application of Convention No. 111 (discrimination) by the USSR, Mr. Ivanov indicated that, under the Constitution of the USSR in force, Soviet citizens are equal before the law independently of their social situation, their racial and national origins, the nature and character of their occupation and other circumstances.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Legal equality of Soviet citizens is guaranteed in economic, political and social matters, including labour relations.

Another member of the Committee, Mr. Gubinski, stated that he associated himself with Mr. Ivancv's remarks.

The Committee wishes to point out that its consideration of the observations received from workers' organisations regarding the observance of Conventions Nos. 29, 111 and 122 in the USSR is in accordance with long-established practice, as recalled in paragraph 94 of Part One of this report.

Regarding the invitation extended by the Central Council of Soviet Trade Unions to officials of the ILO to visit the site of the natural-gas pipeline where forced labour is alleged by the ICFTU to have been used, the Committee recalls that there are only a limited number of instances in which examination of the application of a Convention is suspended, namely where the Government has sought direct contacts with the ILO to solve problems in the application of the Convention concerned and with regard to matters which are the subject of special procedures following a complaint or representation brought under the ILO Constitution. This is not the situation in the case under consideration. Moreover, the Committee understands that the Director-General of the ILO has written to the Government of the USSR to seek its position regarding the proposed visit as well as the facilities and guarantees to be provided for the visit. At the time of the Committee's meeting, no reply had yet been received from the Government of the USSR.

Burundi (ratification: 1963)

1. Further to its earlier comments concerning the Decree of 6 June 1958 relating to vagrancy, the Committee noted with satisfaction the definition of vagrancy given in section 339 of Legislative Decree No. 1-6 of 4 April 1981 revising the Penal Code so as to ensure that the anti-vagrancy provisions could not be used as a means of establishing a general obligation to work. Certain other related questions are being raised in a direct request to the Government.

2. In comments made over a number of years, the Committee had noted:

- that the Ministerial Order No. 050/26 of 24 February 1966 concerning compulsory cultivation provides for the imposition of cultivation beyond the cases of force majeure provided for in Article 2, paragraph 2(d), of the Convention; and
- that the Decree of 14 July 1952 concerning indigenous political organisation, Ordinance No. 21/86 of 10 July 1953, issued in application of the Decree, and the Decree of 10 May 1957 relating to indigenous districts permits the imposition of public works and compulsory cultivation beyond the circumstances foreseen in Article 2, paragraph 2(d) or (e), of the Convention.

In its last report, the Government indicated that these legal texts had been rescinded by the provisions of the 1981 Constitution which aims at creating a society where social justice would reign and exploitation of man by man would be banned. The Committee takes due note of these indications. It observes that the Constitution does not explicitly abrogate the texts concerned and that it does not contain any provisions concerning the obligations imposed on citizens by administrative authorities.

The Committee also noted the statement of the Government that the texts in question had fallen into disuse until 1978. It observes however that Legislative Decree No. 1/22 of 24 July 1979, imposing a certain number of specific obligations on farmers, provides, in its sections 3 and 9, for the imposition of compulsory cultivation under the menace of penal sanctions, beyond the cases of emergency envisaged by the Convention. Thus, Ordinance No. 710-276 of 25 October 1979, laying down the obligation to create and maintain minimum areas of food crops was issued in application of the above-mentioned Decree.

The Committee again expresses the hope that appropriate steps will be taken to bring the legislation into conformity with the Convention, either by abolishing the power to impose compulsory work, or by limiting its scope to circumstances endangering the existence or the well-being of the population.

3. The Committee notes that Legislative Ordinance No. 112/FP of 11 January 1940 was repealed by section 1 of Legislative Ordinance No. 05/232 of 24 June 1961, but that it continues to appear in the 1970 edition of the collection of laws of the Republic of Burundi. Having noted also the statement of the Government that this text is contrary to the 1981 Constitution, the Committee trusts that its repeal will be brought to the attention of the authorities concerned, that the Government will ensure that it does not appear in the next edition of the collected laws and that it will indicate the action taken in this regard.

Central African Republic (ratification: 1960)

1. In its previous comments, the Committee had noted that draft ordinances had 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 section 11 of Ordinance No. 66/038 of 3 June 1966 relating to the supervision of the active population, and sections 2 and 6 of Ordinance No. 75/005 of 5 January 1975, concerning commercial, agricultural and pastoral activities. The Committee notes the Government's statements to the Conference Committee in 1982 and in its report that draft ordinances have been prepared following direct contacts and were placed before the Council of Ministers with a view to repealing the provisions of Ordinances No. 66/004 of 8 January 1966, and No. 66/038 of 9 June 1966 concerning the suppression of idleness and a parasitic way of life in the Central African Republic. The Committee also notes that the report makes no reference to the possible abrogation of sections 2 and 6 of Ordinance No. 75/005, of 5 January 1975. The Committee trusts that the necessary steps will be taken soon to repeal all texts which are incompatible with the Convention.

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. The Committee notes the Government's statement that the practice of compulsory cultivation no longer exists in the Central African Republic and that intensive efforts to provide guidance to and awaken the consciousness of peasants is motivating them to work on their own account. The Committee trusts that, in keeping with the Government's announced intention, steps will be taken soon to ensure observance of the Convention both in law and in practice.

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.

Colombia (ratification: 1969)

Article 2, paragraph 2(c), of the Convention. In its earlier comments, the Committee had noted that the Prison Code makes it compulsory for all prisoners to work and had requested the Government, in order to ensure the observance of the Convention, to give statutory effect to the principle that only persons convicted by a court of law may be required to perform penal labour.

The Committee notes the Government's statement, in its report, that Decree No. 1817 of 1964, which governs the prison system, makes a distinction between the treatment of convicted and detained persons. The Government indicates that detained persons are not obliged at present to do prison work but that the majority of such persons asks to be allowed to work in order to remain occupied and for the economic advantages or the reduction in sentences that they can obtain as a result; according to these indications, the tasks performed by detained persons are completely voluntary and it is at their request that they carry on activities which they themselves have selected. The Government states further that although the difference between the prison labour of detained persons and that of convicted persons has already been laid down in Decree No. 1817 of 1964, a Bill to reform the national prison system has been submitted to the Congress and that, once this bill has been adopted, it will be possible to apply all the required measures.

The Committee trusts that the necessary steps will be taken in the near future to ensure the observance of the Convention on this point.

Guinea (ratification: 1961)

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

Haiti (ratification: 1958)

1. With reference to its previous observations, the Committee notes that a Decree dated 29 March 1982 has amended section 4 of the Labour Code so as to make the illegal exaction of labour subject to penalties. The Committee notes, however, that the same amendment introduces into section 4 of the Labour Code a definition of forced labour that refers to labour performed by a person "under the threat of any form of punishment without the payment of wages and without his agreement". The Committee observes that the exaction of labour falls outside the scope of such a provision as soon as any kind of payment is made. It asks the Government to take the necessary measures to ensure that any illegal exaction of labour is subject to penalties and actually punished in the conditions laid down by Articles 2 and 25 of the Convention and to indicate the measures taken to this end.

2. The Committee notes that the Decree of 7 April 1982 to amend certain provisions of the Haitian Penal Code has not repealed the provisions of section 230 of the Penal Code, empowering 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. The Committee trusts that the repeal of these provisions, under consideration by the Government for some time, will take place shortly and that the Government will provide a copy of the text adopted for the purpose.

Kenya (ratification: 1964)

In previous comments, the Committee noted that, under sections 13 to 18 of the Chiefs' Authority Act (Cap. 128), able-bodied male persons between 18 and 45 years of age may be required to perform any work or service in connection with the conservation of natural resources for up to 60 days in any year. It had expressed the hope that these sections would be either repealed or amended so as to meet the criteria for "minor communal services" which are exempted from the scope of the Convention under its Article 2(2)(e). The Committee notes from the Government's latest report that it intends to provide a clause in the labour legislation to meet the requirements of the Convention. The Committee hopes that the amendment contemplated will ensure the observance of the Convention in relation to sections 13 to 18 of the Chiefs' Authority Act and that the Government will indicate the measures adopted to this end.

Madagascar (ratification: 1960)

The Committee takes note of the statement by the Government in its report to the effect that nothing new has occurred in respect of the regulations governing prison labour and that the Government repeats its commitment to take account of the observations of the Committee of Experts on the hiring of prison labour to private contractors and the exaction of labour from persons awaiting trial, during a subsequent amendment of Decree No. 59-121 of 27 October 1959.

Referring to a previous statement by the Government, the Committee notes that the revision of Decree No. 59-121 of 27 October 1959 to establish the general organisation of prison services was

already under study in 1980. It trusts that this text will be amended in the very near future to bring both law and practice into conformity with the Convention on these essential points.

Poland (ratification: 1958)

1. In its preceding observation, the Committee had referred to the Decree of the Council of Ministers of 30 December 1981 concerning the general obligation to work during the period of application of martial law; by virtue of this Decree, adopted under section 29, paragraphs 1 and 8, of the Decree of 12 December 1981 on the state of martial law, men between the ages of 18 and 45 years who are considered unemployed must, apart from a certain number of exceptions, report for compulsory work. Under section 51, paragraph 1, of the Decree on the state of martial law, failure to report is punishable with a fine.

The Committee notes the statement of the Government, in its report, that the Decree is of a provisional nature and is not generally applied in practice due to the fact that large categories of persons are exempted from its scope by virtue of their personal or family situation.

The Committee has, however, also taken note of the Act of 18 December 1982 regulating in detail the period of suspension of the state of martial law which concerns, inter alia, the continuing effect of the Decree of 30 December 1981 dealing with the general obligation to work and the freedom of workers to terminate their employment. In addition, the Committee has noted the provisions of the Act of 26 October 1982 concerning persons who evade work. These various legislative texts give rise to a number of questions concerning the application of the Convention which are being raised in a request addressed directly to the Government.

Sierra Leone (ratification: 1961)

In previous observations, the Committee referred to section 8(h) of the Chiefdom Councils Act (Cap. 61) under which compulsory cultivation may be imposed on natives. The Committee notes from the information supplied by the Government to the Conference Committee in 1982 that, as previously stated, it is no longer the practice for tribesmen to perform compulsory labour for their chiefs, and that the Government is actively seeking to bring the law into conformity with practice as well as the Convention. The Committee hopes that the necessary measures will soon be adopted and that the Government will indicate the progress made.

Togo (ratification: 1960)

The Committee notes the information supplied by the Government in its report.

Article 2, paragraph 2(c), of the Convention. In its previous comments the Committee referred to section 21 of Order No. 488 of 1 September 1933 concerning the prison system, under which persons detained while awaiting trial were obliged to perform prison labour and prisoners could be placed at the disposal of private persons, but which, according to the Government, had fallen into disuse.

The Committee notes that section 2 of Act No. 80-1 of 13 August 1980 instituting the Penal Code repeals all previous laws and

ordinances contrary to the new Penal Code. It notes that sections 34 and 35 of the new Penal Code provide that penal labour may be imposed as a police penalty consisting of the performance of days of work in the general interest under the supervision of the prison authorities. The Committee points out that, as it stated in paragraph 97 of its 1979 General Survey on the abolition of forced labour, a provision of this nature does not suffice on its own to prevent works of public interest from being carried out by private undertakings; to ensure compliance with the Convention, the hiring of prison labour to private individuals, companies or associations should be prohibited unless such employment is voluntarily accepted with guarantees as to the payment of normal wages, etc.

The Committee notes that, according to section 35(3) of the Penal Code, the procedure for the employment of persons sentenced to penal labour is to be determined by order, while sections 22(2) and 26(2) provide that the conditions of work of persons sentenced to penal servitude and the disciplinary system of the establishment, as well as the conditions of employment of persons sentenced to imprisonment without hard labour, are to be determined by decree. The Committee requests the Government to supply copies of these various provisions governing the work of convicted persons as well as any provisions prescribing the rights and obligations in respect of work of persons detained while awaiting trial and other non-convicted prisoners.

USSR (ratification: 1956)

1. Legislation concerning persons "leading a parasitic way of life". In its previous observations, the Committee had referred to the provisions concerning persons "leading, over a prolonged period of time, any parasitic way of life", inserted in 1975 in section 209 of the Penal Code of the RSFSR, which had previously applied only to persons systematically engaging in vagrancy or begging. It had noted the Government's statement that refusal to work could not be punished, either under this section or under other provisions of the legislation, and that the reference to "persons leading any other parasitic way of life" in section 209 of the Penal Code applied only to the specific offences of gambling and fortune-telling.

The Committee had observed that in the guidelines for courts dealing with cases of violation of the passport rules, systematic vagrancy or begging and the leading of any other parasitic way of life, laid down by the Plenum of the Supreme Court of the USSR in Ordinance No. 10 of 28 June 1973, as amended by Ordinance No. 13 of 3 September 1976, the scope of the offence of "leading any other parasitic way of life" in section 209 of the Penal Code of the RSFSR was not defined by reference to the specific offences of gambling and fortune-telling but turned upon the capacity for work of the persons concerned: according to section 6, criminal proceedings for leading over a prolonged period of time a parasitic way of life may not be brought against minors, persons recognised under established legal procedure as invalids or who have reached the age of retirement, or pregnant women or women with children under the age of 8 years or housewives; on the other hand, according to section 7, in the absence of sufficient data in the particular case concerning the capacity for work of the accused person, his capacity for work may be ascertained on the basis of medical findings. The Committee had found it difficult to understand why persons such as minors, invalids, retired persons, mothers or housewives should be exempt from prosecution under the penal provisions in question if their scope were confined to acts aimed at obtaining illegal income.

The Committee notes the statements on this matter made by a Government representative in the Conference Committee in 1982, in which she again stressed that section 209 of the Penal Code of the RSFSR applied only to certain offences connected with obtaining income in illegal ways, and expressed the Government's hope that in the next stage of development of Soviet law on this matter a satisfactory solution would be found.

The Committee has also taken note of the comments made by the International Confederation of Free Trade Unions to which reference is made in greater detail in the observation under Convention No. 111. According to these comments and supporting documentation, a number of Soviet citizens who had been dismissed from their employment when they or members of their families had applied to emigrate were threatened with prosecution and, in several cases, sentenced under section 209 of the Penal Code of the RSFSR, after they had been barred from employment corresponding to their qualifications and were living from personal savings, support by relatives and friends and income from teaching the Hebrew language. It appears that none of the persons concerned was accused of gambling or fortune-telling. The Government has not yet replied to these allegations, according to which in practice the menace of punishment under section 209 of the Penal Code of the RSFSR is used as a means of compelling certain persons to accept employment in occupations for which they have not offered themselves voluntarily.

The Committee moreover notes that while it was announced in January 1983 that the Council of Ministers of the RSFSR had taken additional measures with a view to more effective use of legal means for dealing with persons leading a parasitic way of life, the scope of section 209 of the Penal Code of the RSFSR has not been restricted to gambling and fortune-telling or otherwise.

In the light of the foregoing indications, the Committee hopes that the Government will be able to take measures to amend the legislation concerning persons "leading a parasitic way of life" in order to ensure the observance of the Convention.

2. Termination of membership of collective farms. Further to its previous observations on this matter, the Committee notes from the statement made by a Government representative in the Conference Committee in 1982 that consultations held by the Government with the organisations concerned have not yet been completed. The Committee hopes that the necessary measures will be adopted at an early date to provide expressly in the legislation that members of a collective farm may terminate their membership by a unilateral decision, subject only to giving notice of reasonable length.

3. The Committee has taken note of the communication dated 20 August 1982 from the International Confederation of Free Trade Unions alleging that forced labour, in particular, prison labour, is used in the USSR for the building of the natural gas pipeline from Siberia to Western Europe. Copies of this communication were transmitted to the Government of the USSR on 2 September 1982 to enable it to comment on the matter. In the absence of any such comments the Committee raises in a direct request to the Government certain questions on which the Government is asked to supply information.

4. The Committee notes that by letter of 9 February 1982, the United Nations transmitted to the ILO a communication from the World Confederation of Labour alleging the transfer of large numbers of Vietnamese workers to the USSR, and to other countries of Eastern Europe and expressing doubts on the observance of ILO Conventions Nos. 29, 95 and 111 in this connection. Copies of this correspondence were

transmitted to the Government on 14 April 1982 to enable it to provide any desirable clarifications. The Committee raises in a direct request to the Government certain questions on which the Government is asked to supply information regarding the situation of the workers concerned.

Zaire (ratification: 1960)

1. Referring to its earlier comments, the Committee notes with interest that the Government has sent with its report on the application of the Convention a draft Ordinance to be issued shortly which would repeal the provisions of sections 18 to 21 of the Legislative Ordinance on minimum personal contributions No. 71/C87 of 14 September 1971 (which provide for imprisonment with compulsory labour of tax defaulters by decision of the chief of the local community or the zonal commissioner) and their replacement by provisions enabling the defaulting tax payer to opt for the execution of work designated by the competent local authority and remunerated in accordance with minimum wage legislation. In addition, the draft Ordinance would completely repeal Ordinance No. 15/APAJ of 20 January 1938 on the prison systems in indigenous districts.

The Committee trusts that this draft which is designed to ensure observance of the Convention will be adopted soon and that a copy of the text promulgated will be forwarded.

2. The Committee notes the Government's statement to the effect that provisions relating to the calling up of civilians (Legislative Ordinances Nos. 72/C58 of 22 September 1972 and 68/071 of 1 March 1968, as amended in 1969) are at present out of date and no longer applied and that if, on very rare occasions, recourse was had to them, it was generally with the agreement of the persons concerned. Recalling the statements of the Government to the effect that this legislation had been adopted as an exceptional and temporary measure, the Committee noted nevertheless that, in amending the Legislative Ordinance of 22 September 1972, Legislative Ordinance No. 78/C22 of 7 August 1978 makes it clear that the former applies, in particular, to graduates of pedagogical and technical institutes, to holders of degrees in the educational sciences as well as to holders of secondary teachers' diplomas, and that graduates of educational institutions would only receive their certificates after completion of their compulsory service. Furthermore, section 5 bis of the amended Legislative Ordinance stipulates that the requisitioned graduates will, in principle, teach in the regions in which they pursued their higher or university studies and that, by ministerial decision, they might be assigned to any region where their services are needed. Taking into account the information supplied by the Government on current practice, the Committee hopes that steps will be taken to make the voluntary character of the civilian service absolutely clear in the legislation and that the Government will keep the Committee informed of any action taken to this effect.

3. The Committee notes that Act No. 76/011 of 21 May 1979, concerning national development efforts to increase productivity, concerns all adult able-bodied persons of Zairian nationality who must make their contribution either within the framework of the job that they hold or within the framework of rural communities taken as units of production. Persons other than those who are regarded as already making their contribution within the employment framework (political agents, salaried workers and apprentices, civil servants, merchants, the liberal professions, priests, students) should, as a matter of priority, be assigned to agricultural work and to other development work decided upon by the Government, under pain of the penal sanctions provided for under section 11 of the Act.

The Committee calls the attention of the Government to the observations made in paragraphs 45 to 48 of its General Survey on the Abolition of Forced Labour, 1979, where it is indicated that legislation designed to impose work on all persons who are not regularly employed is incompatible with the terms of the Convention. It requests the Government to indicate the measures which have been taken or are being planned to bring the legislation relating to the national development effort into conformity with the Convention.

4. The Committee stresses the need for the inclusion in national legislation of a provision laying down penal sanctions against persons guilty of illegal exaction of forced or compulsory labour, in accordance with Article 25 of the Convention. It hopes that the necessary action will be taken soon and that the Government will report on the progress made.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Benin, Burma, Burundi, Central African Republic, Chad, Colombia, Comoros, Congo, Denmark, Grenada, Guinea, Iraq, Ireland, Israel, Jamaica, Jordan, Kenya, Luxembourg, Madagascar, Mali, Papua New Guinea, Poland, Romania, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Thailand, Togo, USSR, Upper Volta, Yemen, Zaire, Zambia.

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

Iraq (ratification: 1962)

The Committee notes with regret that for the third consecutive year the Government's report has not been received. It must therefore repeat its previous observations 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.

The Committee hopes that the Government will take all possible action at a very early date in order to bring its legislation into conformity with these provisions of the Convention and will indicate the progress achieved to this effect.

Kuwait (ratification: 1961)

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

Nicaragua (ratification: 1934)

See the observation made under Convention No. 1.

*
* * *

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

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

The Committee notes from the Government's reply to its previous observations that the model regulations governing dockworkers which were to be issued under Act No. 78/12 of 5 August 1978 on the general status of workers have not yet been adopted. It notes, however, that a branch committee has been set up to deal with the workers in this sector and that it is proceeding with its work within the context of the guidelines and the deadlines set by the Government.

The Committee hopes that the model regulations in question will be adopted in the very near future and that they will contain provisions which ensure the application of the Convention. The Committee also asks the Government to supply in its next report the particulars requested in point V of the report form.

Argentina (ratification: 1950)

With reference to its earlier observations, the Committee takes note of the information supplied by the Government to the Conference Committee in 1980 and in its report (received in October 1981).

It observes that Act No. 19.587 of 1972 and the Decree issued under it, No. 351 of 1979 respecting occupational safety and health, as well as Decree No. 890 of 14 May 1980 (approving the dock safety scheme), to which the Government refers, contain no provisions corresponding to those of the Convention.

The Committee has noted, however, the text of Act No. 21.429 of 29 September 1976 to approve provisional regulations on dock work, which was enclosed by the Government with its last report. Since this text refers to measures for the protection of dockers that may give effect to certain provisions of the Convention, the Committee asks the Government to state whether these "provisional" regulations have been replaced by a definitive text (for example under Decree No. 890), and also to furnish information on the application of the Convention in practice, in accordance with point V of the report form.

Italy (ratification: 1933)

The Committee has taken note of the information supplied by the Government to the Conference Committee in June 1982, as well as in its report, in reply to the Committee's previous observations, and has noted with interest that a draft Act which would vest in the Government competence to issue uniform regulations on occupational health and safety in dock work, in accordance with the principles laid down in Act No. 833 of 1978, has been approved by the Council of Ministers and submitted to Parliament.

The Committee has further noted that this draft Act would provide also for the ratification of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

The Committee hopes that the regulations in question, which the Government has been indicating its intention of issuing for several years, will be adopted very shortly, and that they will ensure that the Convention is fully applied in all docks throughout the country.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932Central African Republic (ratification: 1962)

In its previous observation, the Committee noted that, following direct contacts with a representative of the Director-General of the ILO, a draft decree had been drawn up to give effect to the provisions of the Convention on the following points:

Article 3, paragraphs 1(c) and 4(b), of the Convention. Provision should be made to ensure that the duration of light work on which children attending school may be employed does not exceed two hours a day, the total number of hours spent at school and on light work does not exceed seven and, for children who do not attend school, the duration of light work does not exceed four and a half hours a day.

Article 3, paragraph 2(b). Provision should be made to extend to the non-industrial employment covered by the Convention the prohibition of the employment of children between 12 and 14 years of age during the night, that is to say during a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m.

The Committee hopes that the text will be adopted shortly and asks the Government to report any progress in this connection.

Guinea (ratification: 1959)

With reference to its previous comments, the Committee notes with satisfaction that the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO in 1981 have led to the adoption of Order No. 2263/MT of 9 April 1982 regulating the employment of women and children, which contains, inter alia, a list of dangerous forms of employment prohibited to young persons under 18 years of age, as required by Articles 5 and 8(b) of the Convention.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Chile (ratification: 1935)

The Committee has taken note of the detailed information supplied by the Government in its last report, especially as concerns the new pension scheme introduced by Legislative Decrees Nos. 3500, 3501 and 3502 of 1980 and 3626 of 1981, as well as Legislative Decree No. 101 of 1980. In particular, the Committee has noted that the new pension scheme will not affect other social security benefits, nor replace nor modify the former pension schemes, which will remain in operation for those at present covered by them who do not decide to switch to the new pension scheme.

The Committee wishes to draw the Government's attention to the following points:

Article 9, paragraph 4, of the Convention (financial contribution of the public authorities). The Committee requests the Government to supply a copy of the regulations provided for at the end of section 74 of Legislative Decree No. 3500 of 1980 in order to prescribe the manner in which this state guarantee is to operate and be paid.

Article 10, paragraph 1 (administration of the insurance scheme). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "the insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by state insurance funds".

Article 10, paragraph 4 (participation of insured persons). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations".

Article 11. The Committee requests the Government to supply a copy or a detailed description of the statutory provisions in virtue of which insured persons or their legal representatives have a right of appeal in any dispute concerning benefits, both under the new legislation and under the old legislation which remains in force.

Convention No. 36: Old-Age Insurance (Agriculture), 1933

Chile (ratification: 1935)

The Committee has taken note of the detailed information supplied by the Government in its last report, especially as concerns the new pension scheme introduced by Legislative Decrees Nos. 3500, 3501 and 3502 of 1980 and 3626 of 1981, as well as Legislative Decree No. 101 of 1980. In particular, the Committee has noted that the new pension scheme will not affect other social security benefits, nor replace nor modify the former pension schemes, which will remain in operation for those at present covered by them who do not decide to switch to the new pension scheme.

The Committee wishes to draw the Government's attention to the following points:

Article 9, paragraph 4, of the Convention (financial contribution of the public authorities). The Committee requests the Government to supply a copy of the regulations provided for at the end of section 74 of Legislative Decree No. 3500 of 1980 in order to prescribe the manner in which this state guarantee is to operate and be paid.

Article 10, paragraph 1 (administration of the insurance scheme). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "the insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by state insurance funds".

Article 10, paragraph 4 (participation of insured persons). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations".

Article 11. The Committee requests the Government to supply a copy or a detailed description of the statutory provisions in virtue of which insured persons or their legal representatives have a right of appeal in any dispute concerning benefits, both under the new legislation and under the old legislation which remains in force.

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

Chile (ratification: 1935)

The Committee has taken note of the detailed information supplied by the Government in its last report, especially as concerns the new pension scheme introduced by Legislative Decrees Nos. 3500, 3501 and 3502 of 1980 and 3626 of 1981, as well as Legislative Decree No. 101 of 1980. In particular, the Committee has noted that the new invalidity pension scheme will not affect other social security benefits, nor replace nor modify the former invalidity pension schemes, which will remain in operation for those at present covered by them who do not decide to switch to the new pension scheme.

The Committee wishes to draw the Government's attention to the following points:

Article 10, paragraph 4, of the Convention (financial contribution of the public authorities). The Committee requests the Government to supply a copy of the regulations provided for at the end of section 74 of Legislative Decree No. 3500 of 1980 in order to prescribe the manner in which this state guarantee is to operate and be paid.

Article 11, paragraph 1 (administration of the insurance scheme). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "the insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by state insurance funds".

Article 11, paragraph 4 (participation of insured persons). The Committee requests the Government to indicate how effect is given under

the new pension scheme to this provision of the Convention, which stipulates that "representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations".

Article 12. The Committee requests the Government to supply a copy or a detailed description of the statutory provisions in virtue of which insured persons or their legal representatives have a right of appeal in any dispute concerning benefits, both under the new legislation and under the old legislation which remains in force.

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

Chile (ratification: 1935)

The Committee has taken note of the detailed information supplied by the Government in its last report, especially as concerns the new pension scheme introduced by Legislative Decrees Nos. 3500, 3501 and 3502 of 1980 and 3626 of 1981, as well as Legislative Decree No. 101 of 1980. In particular, the Committee has noted that the new invalidity pension scheme will not affect other social security benefits, nor replace nor modify the former invalidity pension schemes, which will remain in operation for those at present covered by them who do not decide to switch to the new pension scheme.

The Committee wishes to draw the Government's attention to the following points:

Article 10, paragraph 4, of the Convention (financial contribution of the public authorities). The Committee requests the Government to supply a copy of the regulations provided for at the end of section 74 of Legislative Decree No. 3500 of 1980 in order to prescribe the manner in which this state guarantee is to operate and be paid.

Article 11, paragraph 1 (administration of the insurance scheme). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "the insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by state insurance funds".

Article 11, paragraph 4 (participation of insured persons). The Committee requests the Government to indicate how effect is given under the new pension scheme to this provision of the Convention, which stipulates that "representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations".

Article 12. The Committee requests the Government to supply a copy or a detailed description of the statutory provisions in virtue of which insured persons or their legal representatives have a right of appeal in any dispute concerning benefits, both under the new legislation and under the old legislation which remains in force.

Convention No. 41: Night Work (Women) (Revised), 1934Central African Republic (ratification: 1969)

The Committee refers to its earlier observations and recalls that it has for many years been pointing out to the Government that section 3 of Order No. 3759 of 25 November 1954 authorises exceptions from the prohibition of night work by women in circumstances that are not allowed by this Convention though they are not very different from those authorised by Article 5 of Convention No. 89. The Committee noted from the previous report that, following direct contacts with a representative of the Director-General of the ILO, the Government was considering the ratification of Convention No. 89 after amending section 3 of Order No. 3759 to bring it into line with Article 5 of that Convention. The Committee again expresses the hope that these measures will be taken shortly and asks the Government to report any progress made in this connection.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934Barbados (ratification: 1967)

With reference to its earlier comments, the Committee notes with interest the statement made by the Government in its last report to the effect that the Employment Injury (Prescribed Diseases) Regulations, 1971, were amended on 12 February 1982 by the Employment Injury (Prescribed Diseases) (Amendment) Regulations, 1982, so as to bring them into conformity with the Convention. The Committee requests the Government to supply the text concerned with its next report.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Australia, Brazil, Denmark, Greece, Mauritius, Papua New Guinea.

Convention No. 44: Unemployment Provision, 1934Algeria (ratification: 1962)

The Committee notes the statement by the Government that the International Labour Office will be informed as soon as the procedure for the denunciation of this Convention has been completed after reference to the various national authorities concerned.

New Zealand (ratification: 1938)

The Committee notes the observations made by the Federation of Labour on the application of this Convention, which have been communicated to the ILO by the Government. The Committee notes in particular that the Federation of Labour was not consulted on certain measures taken by the Government relating to the application of Articles 1 and 7 of the Convention.

The Committee has examined these observations and reaches the conclusion that the absence of consultation by the Government cannot be considered contrary to Convention No. 44, since this instrument, unlike certain other Conventions of the ILO (such as the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)), does not provide for prior consultation with the occupational organisations.

Peru (ratification: 1962)

The Committee takes note of the statement by the Government to the effect that the economic conditions of the country prevent the granting of any kind of allowance or benefit for unemployment because of the enormous economic burden this would entail on the State, and that the Government is considering the advisability of denouncing the Convention since it cannot be applied in practice.

The Committee ventures to point out that it would be desirable, as the Governing Body has stated (Minutes of the 184th Session, 1971, pages 93, 94, 95, 209 and 210), for the Government, before taking a decision, to undertake full consultations with the representative organisations of employers and workers on the problems encountered and on the measures necessary to resolve them.

Spain (ratification: 1971)

The Committee has examined the new legislation on protection against unemployment; in particular, it notes with interest that the new legislation has extended the class of protected persons and increased the amount of the benefits and the period for which they are payable.

1. Article 10, paragraph 1(b), of the Convention (suitable employment). With reference to its earlier comments, the Committee regrets to note that the Government has not taken the opportunity occasioned by the recent legislative amendment, as it suggested in its 1978 report that it would, of introducing measures referring, in the definition of "suitable employment" (section 23 of Act No. 51/1980 of 8 October 1980), to the criteria set forth in this provision of the Convention. The Committee considers that the provisions contained in the National Employment Agreement (ANE) of 9 June 1981, which do not refer directly to the criteria of the Convention, do not make it possible to guarantee the application of these criteria. The Committee therefore again expresses the hope that in the near future the Government will be able to adopt the necessary measures to give full effect to this provision of the Convention.

2. Article 10, paragraph 2(b) (voluntary unemployment). With reference to its earlier comments, the Committee regrets to note that the Government has not taken the opportunity occasioned by the recent legislative amendments as it suggested in its 1977 report that it would, of introducing measures guaranteeing a minimum of protection to workers who have left their employment voluntarily without just cause. The Committee ventures to point out that the wording of this provision of the Convention is very flexible, since it authorises disqualification for the receipt of benefit "for an appropriate period", and suggests to the Government that it might, if it thinks it is useful and advisable, ask the International Labour Office for information on the way this provision is applied in other countries that have ratified the Convention. The Committee again expresses the hope that in the near future the Government will be able to adopt the necessary measures to give full effect to this provision of the Convention.

3. The Committee asks the Government to indicate the provision by which effect is given to paragraph 1(c) and (d) of Article 10 of the Convention.

4. The Committee notes the comments made by the Spanish Confederation of Employers' Organisations, which points out in particular the scarcity of data concerning the application of certain clauses of the National Employment Agreement (ANE).

United Kingdom (ratification: 1936)

The Committee takes note of the observations made by the Trades Union Congress on the application of this Convention, which were communicated by the Government with its report for the period 1978-82.

The Committee notes in particular that the level of certain allowances for the children of the unemployed was reduced in real terms during the period under consideration, that section 4 of the Social Security Act, No. 2 of 1980, has abolished the earnings-related supplement that had been paid under the previous legislation, and that the rate of the workers' contributions has been increased in each of the past three years, whereas the employer's contribution has remained about the same.

The Committee has examined these observations and reaches the conclusion that the measures taken by the Government, which result in a certain reduction in the social protection afforded to the unemployed, cannot be considered contrary to Convention No. 44, which, unlike other more recent social security Conventions (such as Convention No. 102), neither fixes a minimum rate for unemployment allowances nor lays down any particular scheme for financing these allowances.

*
* *

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

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

Requests regarding certain points are being addressed directly to the following States: Italy, Yugoslavia.

Convention No. 50: Recruiting of Indigenous Workers, 1936

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

Convention No. 52: Holidays with Pay, 1936

Burma (ratification: 1954)

The Committee regrets to note, from the report and from the information supplied to the Conference Committee in 1982, that no

progress has yet been made in bringing the national legislation into conformity with the Convention on the following points, to which it has been calling attention since 1957: (a) scope of the Convention (Article 1); (b) length of the annual holiday of workers of between 15 and 16 years of age (Article 2, paragraph 2); and (c) restrictions on the right to postpone the annual holiday (Article 4).

The Committee again expresses the hope that the Government will not fail to take the necessary measures in the very near future and that the next report will contain information on the progress made in giving full effect to the Convention on the above-mentioned points.¹

Byelorussian SSR (ratification: 1956)

In reply to the previous observation of the Committee, the Government states that, in accordance with section 74 of the Labour Code, the postponement of annual leave to the following year is authorised only exceptionally and with the agreement of the worker and of the trade union committee. The Committee is obliged to point out again that, under the Convention, persons to whom it applies are entitled to a holiday with pay of at least six working days every year. It asks the Government to reconsider the situation and to take the necessary measures to bring the legislation into conformity with the Convention on this point.

Central African Republic (ratification: 1964)

The Committee notes from the information furnished by the Government to the Conference Committee in 1982 and in its last report that the draft ordinance to amend section 129 of the Labour Code so as to grant workers the right in every case to a holiday with pay after one year of actual service has not yet been adopted. It hopes that this draft will be adopted very shortly and thus bring the national legislation into conformity with Article 2 of the Convention.

Cuba (ratification: 1953)

The Committee notes that Decree No. 81 of 10 March 1981 governing annual holidays with pay provides that:

- (a) in exceptional circumstances, subject to consultation with the trade union organisation of the establishment and the authorisation of the administrative authority, the holiday of a worker may be postponed for a period of up to six months (section 12), and that
- (b) the Committee of State on Labour and Social Security may, in certain branches or activities and owing to the exigencies of production or the service, authorise the replacement of the holiday of workers, subject to their agreement, by suitable remuneration (section 15).

The Committee is bound to point out that, under the Convention, a worker must take a holiday of at least six working days every year.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

The postponement of the holiday can thus be authorised only in respect of the part exceeding the minimum length of annual holiday laid down by the Convention and the minimum annual holiday of six days may in no case be replaced by a monetary payment. The Committee therefore asks the Government to take suitable measures to bring the legislation into conformity with the Convention on this important point.

Ivory Coast (ratification: 1961)

The Committee regrets to note that once again the report of the Government has not been received.

In its earlier comments, the Committee has several times pointed out that the provision of section 108, subsection 2, of the Labour Code admitting the possibility of postponing entitlement to leave in certain cases until 30 months of service have been completed is not in conformity with Article 2 of the Convention, under which every person shall be entitled after one year of continuous service to a holiday with pay of at least six working days every year. It hopes that the Government will not fail to take the necessary measures to bring the national legislation into conformity with the Convention, in accordance with the assurance it gave in its report for the period 1971-73.

Kuwait (ratification: 1961)

The Committee takes note with satisfaction of the adoption of Ministerial Decision No. 55 of 1982 concerning annual holidays with pay, which gives effect in particular to Article 3 (remuneration during the holiday) and Article 6 (compensation for days of holiday due in the event of dismissal) of the Convention, matters that have been the subject of earlier comments by the Committee.

Libyan Arab Jamahiriya (ratification: 1962)

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

Article 2, paragraph 3(b), of the Convention. With reference to its earlier comments, the Committee notes that no progress has yet been made in giving effect to this provision of the Convention. It points out that the Government has for many years been expressing the intention of amending section 38 of the 1970 Labour Code, which does not explicitly exclude from the annual holiday with pay interruptions of attendance at work due to sickness, and it hopes that the necessary measures will soon be taken to bring the national legislation into conformity with the Convention on this point.

Morocco (ratification: 1956)

In its earlier comments concerning section 16 of the Dahir of 9 January 1946, under which holidays may be accumulated in certain

circumstances, the Committee has noted that the Government has for many years been stating its intention of adopting provisions in the future Labour Code laying down that the accumulation or division of the holiday shall not result in reducing the length of the holiday taken each year to a period of less than six working days.

As the Government states in its last report that the Labour Code has not yet been issued, the Committee trusts that suitable measures will be adopted in the near future in the Labour Code or other legislation so that the accumulation or division of the holidays of staff employed in industrial undertakings or establishments shall not have the effect of reducing the annual holiday to a period of less than the minimum laid down by Article 2, paragraph 1, of the Convention.¹

Ukrainian SSR (ratification: 1956)

In reply to the previous observation of the Committee, the Government again states that the postponement of the annual holiday is authorised only in exceptional cases depending on urgent production requirements and with the agreement of the worker and the trade union committee. The Committee is bound to point out again that, under the Convention, every person to whom it applies is entitled to a holiday of at least six working days every year and that only the part exceeding this minimum may therefore be carried over (Article 2, paragraphs 1 and 4). It asks the Government once more to take the necessary measures to bring the legislation into conformity with the Convention on this point.

USSR (ratification: 1956)

The Committee regrets to note that the report of the Government contains no reply to the first point of its previous observation, which 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 conditions regarding holidays applied 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, p.633).

The Committee again expresses the hope that the Government will re-examine the question and take suitable steps to bring the legislation into conformity with the Convention on these points.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

As regards the second point of the observation, the Committee points out that while Article 2, paragraph 4, of the Convention authorises the division of the holiday into parts, this is on condition that one part of the holiday is of at least six working days. Thus, section 79 of the Labour Code of the Ukrainian SSR, which provides that, when the holiday is divided, each part shall be of at least seven days for adults and fifteen days for persons under 18 years of age, is in conformity with the Convention. The Committee observes, however, that no such provision exists in the labour codes of certain Republics - Estonia, Lithuania and Latvia, for example - which at present authorise the division of the annual holiday into parts without providing for the restrictions laid down in Article 2, paragraph 4, of the Convention. The Committee expresses the hope that provisions similar to that existing in the legislation of the Ukrainian SSR may be introduced into the legislation of the other Republics.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Chad, Lebanon, New Zealand, Panama,

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the United States.

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

Liberia (ratification: 1960)

The Committee has taken note of the proposed Decree of the People's Redemption Council whereby it is intended to give full effect to the provisions of the Convention. It notes that this Decree contains provisions corresponding to those of the Articles of the Convention which have been the subject of comment by the Committee for a number of years, namely Article 1, paragraph 2, of the Convention (application of the Decree to vessels of more than 25 tons); Article 2, paragraph 1 (liability of the shipowner in all cases of sickness or injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement); and Article 6, paragraph 2(d) (necessity of obtaining the competent authority's approval for the repatriation of a seaman to a port other than that where he was engaged or the voyage commenced and not in his own country).

However, the Committee points out to the Government that the terms of section 6, subsection 2(iv), of the proposed Decree are incompatible with the terms of Article 2, paragraph 3, of the Convention, on the shipowner's liability in case of sickness or death, and it therefore requests the Government to examine this incompatibility and make the appropriate amendment.

The Committee has noted that the Bureau of Maritime Affairs has prepared a new draft amendment to the Liberian Maritime law of 1981

which is before the People's Redemption Council for enactment and which is intended to give full effect to the various Conventions ratified by Liberia; it has also taken note of the proposed new labour law which the Government mentioned in its report.

The Committee hopes that the proposed Decree mentioned above will be adopted in the near future and requests the Government to supply a copy of it.¹

Panama (ratification: 1971)

The Committee notes with interest that draft maritime labour legislation is to be approved shortly by the National Legislative Council and that it contains provisions corresponding to the following Articles of the Convention: Article 2 (liability of the shipowner in respect of sickness and injury occurring between the dates specified in the articles of agreement for reporting for duty and the termination of the engagement); Article 3(b) (liability of the shipowner to provide board and lodging); Article 7 (liability of the shipowner to defray burial expenses in case of death occurring on board or on shore); Article 8 (liability of the shipowner to safeguard property left on board by sick, injured or deceased persons).

The Committee hopes that, in accordance with the statement of the Government, the above-mentioned draft legislation will be approved shortly and asks the Government to report any progress made in this connection.

Peru (ratification: 1962)

In its previous comments, the Committee took note of the information supplied by the Government with respect to the application of Article 4, paragraph 1, and Article 8 of the Convention, concerning the liability of the shipowner to provide medical care until the sick or injured seaman has been cured, and his obligation to safeguard property left on board by sick, injured or deceased persons.

In its latest report the Government states that a subcommittee set up by the Permanent Committee of the Ministry of Shipping for the Evaluation of International Conventions and Recommendations (CECHAL-OIT) has prepared a report containing a study and recommendations for the amendment and supplementing of sections 691, 723 and 689 of the Regulations on Harbour Masters' Offices and the Mercantile Marine.

The Committee notes this information with interest and hopes that the amendments in question will be effected in the near future so as to lay down more precisely the obligations of the shipowner as prescribed in the above-mentioned Articles of the Convention.

Tunisia (ratification: 1970)

The Committee takes note with interest of the Bill prepared by the Ministry of Transport and Communications with the participation of an official of the ILO during an advisory mission carried out at the end of 1982, which contains provisions to give effect to Articles 4, 5 and 11 of the Convention. In particular, this Bill would extend the

¹ The Government is asked to report in detail for the period ending 30 June 1984.

liabilities of the shipowner to a minimum of 16 weeks from the day of the injury or the commencement of the sickness of seamen engaged for the voyage. The Committee hopes, as the Government states, that this Bill will shortly be submitted to the Chamber of Deputies and adopted. The Government is asked to report any progress made in this connection.

*
* * *

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

Convention No. 56: Sickness Insurance (Sea), 1936

France (ratification: 1948)

The Committee takes note of the comments submitted by the National Federation of Maritime Trade Unions to the effect that seafarers of Indonesian and Indian origin serving on board vessels under the French flag as catering staff are not regarded as seafarers under French legislation and collective agreements and are thus excluded from the protection afforded by this Convention.

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, in professional qualifications and in employment, since Indonesian personnel possess no maritime qualifications, are employed exclusively in the passengers' catering service and are paid not by the shipowner but by another undertaking, which furnishes the service. Seafarers of Indian nationality have been employed exceptionally, under the conditions in force in India, on board a vessel operating on a recently opened line between India and Africa.

The Committee has closely studied these comments and wishes to point out that, under Article 1, paragraph 1, of the Convention, this instrument applies in principle without any consideration of nationality, legal status, professional qualifications or employment, to "every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel", and that no distinction can therefore be made between navigating and catering staff or between staff engaged by the shipowner and staff engaged by another undertaking.

The Committee observes, however, that under Article 1, paragraph 2(d) of the Convention persons not resident in the territory of the Member that has ratified it may be excepted and that the exclusion of Indonesian seafarers not residing in France that would result from the application of Decree No. 52-297 of 29 February 1952 is not contrary to this Convention.

The Committee also notes the statement by the Government to the effect that workers of Indian origin are no longer concerned by this problem since it was decided on 29 July 1981 to put an end to the exception to French shipping regulations created by the vessel working a line between India and Africa.

Peru (ratification: 1962)

Article 3 of the Convention (medical assistance). In its earlier comments the Committee has expressed its hope for the abolition of certain qualifying conditions contained in section 18 of Legislative Decree No. 22482 of 27 March 1979 that in principle govern the granting of medical assistance (the payment of a certain number of monthly contributions). The Committee notes the statement made by the Government to the Conference Committee at its meeting in June 1982 to the effect that the comments of the Committee had been brought to the knowledge of the Peruvian Social Security Institute and the General Directorate of Welfare and Social Security of the Ministry of Labour and Social Promotion, with a view to the adoption of the necessary measures to bring section 18 of Legislative Decree No. 22482 into conformity with Article 4 of the Convention. Since this problem has existed for many years, the Committee ventures to suggest that the Government might ask for the technical assistance of the ILO with a view to solving it in the near future. The Committee asks the Government to provide information on any progress made in this respect.¹

*
* *
*

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

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

Convention No. 58: Minimum Age (Sea) (Revised), 1936Liberia (ratification: 1960)

The Committee has been pointing out for some years in its observations that, under section 290(2)(a) of the Maritime Law (as amended by the Merchant Seamen's Act, 1964), the provisions laying down the minimum age for admission to employment at sea do not apply to vessels of less than 75 net tons and that, under section 326(1) 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 refers again in its report to the proposed new Labour Law and has also communicated the text of a draft Decree incorporating provisions to implement the Convention. The Committee trusts that the Government will soon be able to provide the text of any suitable measures adopted.²

*
* *
*

¹ The Government is asked to report in detail for the period ending 30 June 1984.

² The Government is asked to report in detail for the period ending 30 June 1983.

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

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

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

Sierra Leone (ratification: 1961)

With reference to its previous comments the Committee notes from the information supplied by the Government that the Joint Consultative Committee, which advises the Government on labour matters, has still to consider the questions raised in respect of the application of the following provisions of the Convention:

Article 4 of the Convention: obligation of the employer in an industrial undertaking to keep a register of all persons under the age of 18 employed by him, and of the dates of their births.

Article 5: obligation to prescribe a higher age than 15 years for the admission of young persons to dangerous employment.

As these questions have been the subject of comments for a number of years, the Committee hopes that the necessary measures will be adopted in the near future.

*
* *

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

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

Algeria (ratification: 1962)

Following its previous comments, the Committee notes the information supplied in the Government's report and to the Conference Committee in June 1982 (the latter concerning Convention No. 127), according to which, within the framework of the prevention of occupational hazards, a draft basic law has been submitted to the Council of Ministers before its transmission to the National Popular Assembly, to define the orientation of the country's policies in this regard and to improve the protection of workers from risks inherent in their jobs. In order to apply this law, a draft decree, which deals with conditions of health and safety in all sectors of activity, and a series of other regulatory texts have also been drawn up and will be promulgated at the latest during 1983.

The Committee trusts that this legislation will be adopted in the very near future, that it will ensure full application of the Convention and that the Government will be able to supply copies of this legislation with its next report.

Central African Republic (ratification: 1964)

The Committee notes with regret that the Government's report has not been received for the second consecutive year. It must therefore once again call attention to the necessity of adopting shortly the draft decree to give effect to the Convention. The Committee trusts that the Government will not fail to indicate any progress achieved in this respect.¹

Guinea (ratification: 1966)

With reference to its earlier observations, the Committee notes with satisfaction that, following the direct contacts that were held in 1981 between the national authorities and a representative of the Director-General of the ILO, the Government has adopted Order No. 3154/MT of 7 May 1982 respecting safety rules in the building industry, in order to give effect to the Convention.

Mauritania (ratification: 1963)

In the information supplied to the Conference Committee in June 1982 in reply to the earlier observations of the Committee, the Government again stated that the draft Order prepared in 1979 during the direct contacts with the national authorities, which was to fix a minimum age for persons employed as crane drivers and signallers, in accordance with Article 13, paragraph 2, of the Convention, would not be adopted until the present revision of the Labour Code had been completed.

The Committee trusts that, pending the adoption of the revised Code, the Government will not fail to take the necessary measures to give full effect to the Convention on this point by statutory or other legislative means (for example by ministerial decision or instruction) and that it will indicate the progress made in its next report.

Peru (ratification: 1962)

1. With reference to its previous observations, the Committee notes the information furnished by the Government in its report and to the Conference Committee in June 1982, in particular the information on the application of Articles 4 and 6 of the Convention, concerning, respectively, measures of inspection and statistics on the number of accidents occurring to persons occupied in building work. The Committee hopes that the Government will continue to furnish such statistics in future reports, indicating clearly those which refer to the work covered by the Convention.

2. Articles 10, 13, paragraph 2, 15, paragraph 1, 16, 17 and 18. The Committee notes from the reply of the Government that the revised version of the "Regulations on the safety of urban construction work", which had been begun by the Ministry of Housing and Construction, has not yet been adopted but that the Directorate General of Occupational Health and Safety has taken suitable action for the protection of building workers, combined with inquiries on the spot, with a view to enforcing safety standards corresponding to those laid down by the Convention. The Committee also notes that draft

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

regulations on health and safety in building are under study and that, after approval, they will be put into effect by the Special Committee on Health and the Working Environment, set up by Presidential Decree No. 025-81-TR.

With particular reference to Article 18, the Government states that the Peruvian Social Security Institute has set up first-aid posts on building sites where there are many workers.

The Committee takes note of the statement and hopes that the above-mentioned regulations will be adopted very shortly with a view to giving full effect to the Convention, not only in practice but also under the national regulations.

*
* * *

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

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

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

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Lesotho (ratification: 1966)

Further to its earlier comments, the Committee notes with satisfaction from the Government's report that sections 19, 23, 24 and 25 of the Employment Act, 1967, were amended by the Employment (Amendment) Act, No. 14 of 1977, to meet the requirements of Article 13 of the Convention, concerning the payment of workers' repatriation expenses.

*
* * *

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

Convention No. 68: Food and Catering (Ships' Crews), 1946

Peru (ratification: 1962)

With reference to its earlier comments, the Committee regrets to note from the most recent reports that the regulations on food and catering on board ship, which were to be drafted by the committee established by Presidential Decree No. 213-74-TR of 26 May 1974, have not yet been adopted. The Government states, in particular, that the

regulations are at present under study by the Standing Committee for the Study and Evaluation of Maritime Conventions and Recommendations, assisted by the Maritime Health Board.

The Committee again expresses the hope that the necessary measures will be adopted in the near future to give effect to the Convention, whose application was the subject of direct contacts in 1972 and 1978. It asks the Government to provide detailed information on the measures adopted and to provide copies of all relevant texts.¹

*
* *

In addition, a request regarding certain points is being addressed directly to Guinea-Bissau.

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

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

Peru (ratification: 1962)

Articles 3 and 4 of the Convention. With reference to its earlier observations, the Committee has examined the draft regulations to give effect to these provisions of the Convention, which have been enclosed with the report of the Government. It refers to the comments it makes in a direct request concerning the provisions of the draft.

The Committee trusts that the necessary measures will be adopted very shortly with a view to giving full effect to the Convention, which was the subject of direct contacts in 1972 and in 1978.

*
* *

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

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: Algeria, Argentina.

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

Dominican Republic (ratification: 1973)

With reference to its earlier comments, the Committee notes that the draft regulations prepared by the Ministry of Labour in 1980 are -----

¹ The Government is asked to report in detail for the period ending 30 June 1983.

still under study with a view to adoption. They should give effect to the following provisions of the Convention: Article 2, paragraphs 1 and 4 (thorough medical examination for employment and specification of the authority competent to issue the document certifying fitness for employment); Article 3 (medical supervision up to the age of 18 years); Article 4 (annual medical examination up to the age of 21 years in occupations that involve high health risks); Article 6 (vocational guidance, physical and vocational rehabilitation of children and young persons found by medical examination to have physical handicaps or limitations); Article 7 (methods of supervision for ensuring the strict enforcement of the Convention).

The Committee hopes that the draft regulations will be adopted in the very near future and requests the Government to keep it informed of any development in this connection.¹

Ecuador (ratification: 1975)

The Committee notes from the reply of the Government to its earlier comments that the Bill to amend section 152 of the Labour Code and bring it into conformity with the Convention, which was prepared during the direct contacts of 1980, has not yet been adopted. It notes, however, that the bill has been submitted to the Office of the President of the Republic for transmission to the Chamber of Deputies.

The Committee hopes that this Bill will be adopted very shortly and that it will give effect to the following Articles of the Convention: Article 2 (children and young persons under 18 years of age not to be admitted to employment or work in the undertakings and types of work covered by the Convention unless they have been found fit for the employment or work in question by a thorough medical examination); Article 3 (periodic supervision of fitness for employment by medical examinations repeated at regular intervals of not more than one year); Article 4 (periodic medical examinations until the age of at least 21 years in occupations that involve high health risks); Article 6 (vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to have physical handicaps or limitations).

The Committee requests the Government to indicate any progress made in the adoption of the draft regulations.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Belgium, United Republic of Cameroon, Djibouti, Lebanon, Luxembourg, Nicaragua, Paraguay, Peru, Spain, Tunisia.

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

¹ The Government is asked to report in detail for the period ending 30 June 1984.

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

Ecuador (ratification: 1975)

Articles 2, 3, 4 and 6 of the Convention. See under Convention No. 77.

Article 7. The Committee notes that the report of the Government mentions nothing new to give effect to Article 7 of the Convention. The Committee would be grateful if the Government would indicate the measures contemplated to give effect to this Article of the Convention, which prescribes that measures of identification must be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, United Republic of Cameroon, Djibouti, Iraq, Israel, Lebanon, Luxembourg, Nicaragua, Paraguay, Peru, Spain.

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

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

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

Convention No. 81: Labour Inspection, 1947

Australia (ratification: 1975)

The Committee notes with satisfaction the adoption of the Code of Conduct for Australian public servants and the circular entitled "Guidelines concerning the Code of Conduct and other Recommendations of the Bowen Committee", which give fuller effect to Article 15 of the Convention.

Bolivia (ratification: 1973)

The Committee takes note of the information furnished in the report of the Government in reply to its comments on the application of Article 7, paragraph 3, Article 9 and Article 10 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

Article 5 of the Convention. The Committee asks the Government to indicate the measures taken to promote co-operation between the various inspection services (labour inspection, safety and health inspection and social security inspection) and other services and institutions engaged in similar activities. It also asks the Government to indicate the measures taken to promote collaboration between officials of the inspectorate and employers and workers or their organisations.

Article 6. The Committee notes the information provided by the Government on the legal status of labour inspectors. Since the earlier statements of the Government have shown that labour inspectors are not in practice assured of stability of employment, particularly when there is a change of government, the Committee asks the Government to indicate the measures taken or under consideration to give effect to this provision of the Convention.

Article 11, paragraph 1. According to the information contained in the report on labour inspection in Bolivia published in 1980 by the Inter-American Centre for Labour Administration, the labour inspection offices are not suitably equipped in accordance with the requirements of the service. The Committee would be grateful if the Government would indicate the measures taken or under consideration to rectify this situation.

Article 16. The report of the Government shows that labour inspectors visit workplaces only following complaints and denunciations by the workers. The Committee wishes to point out that, under this Article of the Convention, workplaces must be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. It therefore asks the Government to take suitable measures, if necessary by issuing instructions, to ensure that all workplaces subject to inspection are visited regularly.

Articles 20 and 21. The Committee observes that no annual inspection report has yet been transmitted to the ILC. It hopes that, in future, annual reports on the work of the inspection services will be published and transmitted to the International Labour Office within the periods laid down by Article 20 of the Convention and that these reports will contain all the information called for by Article 21.

Central African Republic (ratification: 1964)

Article 11, paragraph 2, of the Convention. The Committee takes note with interest of the statement by the Government representative to the Conference Committee in 1982 to the effect that, by virtue of a joint Order of the Ministry of the Public Service, Labour and Social Security and the Ministry of Finance issued in March 1981, the risk and hardship allowances paid to public servants also cover the travelling expenses of the labour inspectors. It asks the Government to enclose with its next report a copy of the Order in question.

Articles 20 and 21. The Committee notes the statement by the Government representative to the Conference Committee in 1982 to the effect that lack of staff and material difficulties prevent the preparation of annual reports on the work of the inspection services. It hopes that with the help of the ILO the Government will soon be able to overcome all its difficulties and that, in future, reports containing all the information called for by Article 21 of the Convention will be published and transmitted to the ILO within the periods laid down by Article 20.

The Committee notes from the report that the Director of Labour receives the labour inspectors' reports and prepares a synthesis for the Director-General of Labour. It asks the Government to communicate with its next report a copy of the latest synthesis.

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 hopes that the Government will soon take all necessary measures to ensure the publication and communication to the ILC 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.

Cuba (ratification: 1954)

Article 15(c) of the Convention. With reference to its previous observation, the Committee notes with interest the reply of the Government to the effect that, in order to avoid all possibility of doubt and to guarantee the full application of this provision of the Convention, the National Directorate of Labour Inspection is preparing a circular calling on inspectors both 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 the receipt of a complaint. It hopes that the Government will be able with its next report to provide a copy of the circular.

Articles 20 and 21. The Committee notes that the efforts undertaken so far by the Government have not led to the preparation of the report on the work of the labour inspection services. It trusts that the Government will do everything necessary to expedite the work going on at present with a view to the drafting of the annual inspection report. It hopes that in future the Government will be able to ensure the regular publication and transmission to the ILC of labour inspection reports within the periods laid down by Article 20 of the Convention and that these reports will contain all the information provided for by Article 21.

France (ratification: 1950)

The Committee notes the information provided by the Government in its report and also a communication from the National Labour and Employment Union (SNTE-CFDT) dated 24 March 1981 containing information to supplement the observations that this union had made on the application of Convention No. 81 by the French Government.

With reference to its earlier comments, the Committee notes that the draft decree to amend Decree No. 75-253 of 21 April 1975 to issue the conditions of service of the labour inspectorate referred to by the SNTB-CFDT has not been proceeded with. It also notes that the Council of State has decided to reject the petitions of the CGT Social Affairs Staff Union and the CFDT National Union of External Labour and Employment Services calling on it to declare null and void as ultra vires Decree No. 77-1288 of 24 November 1977 to organise the external labour and employment services. The Committee also notes the information provided by the Government on the application of Articles 6, 9 and 11 of the Convention.

Article 3, paragraph 2, and Article 10 of the Convention. The Committee notes with interest the increase in the numbers of the labour inspection staff during 1981 and the plan for creating new posts in 1982. In view of the increase in the duties entrusted to the inspectorate, it hopes that the Government will be able in future reports to indicate further measures to increase the staff of the labour inspection services.

Articles 17 and 18. The Committee notes that studies have been undertaken to evaluate, for the years 1975-80, the action taken on the reports prepared by labour inspectors. It again expresses the hope that these studies will lead to an improvement in co-ordination between the public prosecutors and the labour inspection services and a strengthening of the supervision of labour legislation through prompt and effective penalties for infringements observed, as required by Articles 17 and 18 of the Convention. It also asks the Government to provide detailed information on the findings of these studies and on any action taken on them.

Articles 20 and 21. Referring to the previous observation of the Committee, the Government states that the question of preparing an annual report on labour inspection has been taken up on a new basis and that, if the conclusions of the report of the Inspector-General of Labour and Employment are approved, a central support and co-ordination mission for the external labour and employment services may soon be set up and that the drafting of the re-established annual report would be entrusted to it. The Committee is bound to recall the importance it attaches to the publication of annual inspection reports, which are an essential element in the appreciation both nationally and internationally of the practical results of the work of the labour inspection services and, more generally, the effective application of social legislation. It therefore trusts that the Government will not delay in taking the necessary measures to ensure the publication and transmission to the ILO in future within the periods laid down by Article 20 of the Convention of an annual report on inspection containing all the information called for by Article 21.

Guinea (ratification: 1959)

Article 13, paragraph 2, of the Convention. In reply to its previous observation, the Government refers to section 10 of Decree No. 253 PRG of 17 July 1974, under which the director of the National Occupational Health Service may propose the temporary closing of any industrial or agricultural unit when it has been established that it presents serious dangers to the health of the workers. In this regard, the Committee wishes to draw the Government's attention to the fact that - according to this provision of the Convention - in such cases, it is the labour inspectors who should be empowered to make, or to have made, orders with immediate executory force. Furthermore, it recalls that, in its report for the period ending 30 June 1980, the Government

had indicated its intention, in revising the Labour Code, of introducing provisions conforming to Article 13, paragraph 2(b), of the Convention. The Committee therefore hopes that the draft Labour Code may be so revised as to give effect to this provision of the Convention.

Articles 20 and 21. While noting the information on certain activities of the inspection services contained in the Government's report, the Committee must recall the importance it attaches to the publication of annual inspection reports which constitute an essential element for the assessment, both at the national and international levels, of the practical results of labour inspection activities and, more generally, the effective application of social legislation. It therefore hopes that the necessary steps will be taken soon to ensure that, in the future, an annual inspection report containing all the necessary information required under Article 21 of the Convention will be published and transmitted to the ILO, within the time limits laid down in Article 20.

Haiti (ratification: 1952)

Article 6 of the Convention. The Committee notes with regret that, notwithstanding the assurances previously given, the text laying down the statute of the public service has not yet been adopted. It trusts that the Government will not fail to take the necessary steps to ensure the early adoption of this text, which should give effect to this Article of the Convention.

Articles 20 and 21. The Committee notes the statistical information for the period 1980-81 transmitted by the Government with its report. It also notes that the text of the annual report of the general labour inspection services has been submitted for publication in extenso in the review Prevention, and requests the Government to transmit a copy as soon as possible.

Iraq (ratification: 1951)

The Committee regrets to note that the report on the application of the Convention has not been received for some years. It hopes that a report will be provided for examination by the Committee at its next session and that this will contain information on the following points, which have been the subject of its earlier comments:

Article 15(a) of the Convention. In its report for the period 1971-73, the Government gave the assurance that new labour inspection regulations would be adopted and that they would prohibit the inspectors from having any interest whatsoever in the undertakings under their supervision. The Committee asks the Government to state whether these regulations have been adopted and, if so, to provide a copy of the text.

Articles 20 and 21. The Committee observes that the last report of the inspection services transmitted to the ILO dates from 1974. It points out that, under Article 20 of the Convention, annual reports on the work of the inspection services must be published within 12 months of the end of the year to which they refer and transmitted to the ILO within 3 months of publication. The Committee hopes that the Government will take the necessary measures to ensure the publication and transmission to the ILO of annual inspection reports, containing all the information called for by Article 21 of the Convention within the periods laid down.

Italy (ratification: 1952)

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

The Committee has noted Law No. 833 of 28 December 1978 establishing a national health system conferring on local health departments duties of prevention, hygiene and medical treatment at work which previously fell on the labour inspectorate. It hopes the Government's next report will contain full, detailed information on the application of each Article of the Convention under the hygiene supervision system set up by the Law of 28 December 1978. In particular it requests the Government to indicate the measures taken or envisaged to give the staff responsible for supervising the safety and health at work provisions the right to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of workers, in conformity with Article 13, paragraphs 2(b) and 3, of the Convention. The Committee would be grateful if the Government would communicate a copy of any regulations adopted to apply the Law of 28 December 1978.

Jamaica (ratification: 1962)

Article 13, paragraph 2(b), of the Convention. The Committee notes with regret that no progress has been made towards the adoption of the draft legislation to which the Government has been referring for several years and which should have given effect to this provision of the Convention. It cannot but reiterate its hope that the draft in question will be adopted very shortly and that it will empower labour inspectors to require measures with immediate executory force to be taken in cases involving imminent danger to the health and safety of workers and this in all factories (at present the Factories Act prescribes such powers only in respect of building sites and docks).

Article 14. Referring to its previous observation, the Committee expressed the hope that the draft Mining (Safety and Health) Regulations, 1977, revised to include a provision for the reporting of cases of occupational diseases to the labour inspection services, would soon be adopted and requests the Government to indicate in its next report the progress made in this regard.

Jordan (ratification: 1969)

The Committee regrets to note that the new draft Labour Code, which the Government has been referring to for several years, has not yet been adopted. It trusts that the draft will be adopted in the near future and that, in accordance with the assurances already given, it will contain provisions conforming fully to the Convention, particularly in respect of the Articles that have been the subject of earlier comments by the Committee, namely: Article 11, paragraph 2 (reimbursement of travelling expenses to the inspectors); Article 12, paragraph 1(a), (b) and (c)(iv) (power of inspectors to enter workplaces and to remove for purposes of analysis samples of materials and substances used or handled); Article 13 (power of inspectors to take steps with a view to remedying defects constituting a threat to the health or safety of the workers); Article 14 (obligation to notify the labour inspectorate of industrial accidents and occupational diseases); and Article 15 (prohibition of labour inspectors from having any direct or indirect interest in the undertakings under their supervision).

The Committee takes up these comments in a direct request, in which it also raises certain other points.

Mauritania (ratification: 1969)

The Committee notes that, since the ratification of the Convention, no report on the activities of the labour inspection services for the country as a whole has yet been published. It wishes to stress the importance it attaches to the publication of annual inspection reports, which constitute an essential element for the assessment of the practical results obtained by the labour inspection services and more generally to the effective implementation of social legislation. It hopes therefore that the Government will not fail to take the necessary steps to ensure that in future an annual report on inspection, containing all the information required under Article 21 of the Convention, is published and communicated to the ILO within the time-limits prescribed by Article 20.

Nigeria (ratification: 1960)

Articles 20 and 21 of the Convention. With reference to its previous observation, the Committee notes the statement by the Government to the effect that efforts are being intensified to publish the annual reports that are in arrears. It trusts that these efforts will lead to early publication and that the reports will contain all the information called for by Article 21 of the Convention. It also hopes that the periods laid down by Article 20 will be observed.

Peru (ratification: 1960)

Articles 20 and 21 of the Convention. The Committee notes with interest that section 47 of Supreme Decree No. 03-82-TR of 5 February 1982 establishing regulations for the organisation and functioning of the Ministry of Labour and Social Promotion, provides that one of the functions of the Directorate-General of Inspection is the drafting of a periodical report on the results of inspections. It also noted from the Government's report that the Directorate-General of Inspection had already begun to function and that steps had been taken to ensure that it would be in a position to fulfil its above-mentioned duties without delay. The Committee hopes therefore that it will be possible for future annual reports on the activity of the labour inspection services to be published and transmitted to the ILO within the time-limits laid down in Article 20 and that such reports will contain all the information required under Article 21 of the Convention.

Sierra Leone (ratification: 1961)

Articles 20 and 21 of the Convention. The Committee regrets to note that the last report on the work of the labour inspection services received in the ILO relates to the year 1969, despite the assurances given several times by the Government that the reports for the following years would be transmitted in due course.

Suriname (ratification: 1976)

With reference to its earlier observations, the Committee notes with interest that a decree on labour inspection was adopted in 1982 and is to come into force after its publication. The Committee hopes that the Government will be able to provide a copy of the published text with its next report.

The Committee also draws the attention of the Government to a number of points which it is raising in a direct request.

Tanzania (ratification: 1962)

Tanganyika

Articles 20 and 21 of the Convention. The Committee notes from the information supplied to the Conference Committee in 1982 that the monthly reports on the work of the inspection services that should form the basis of the annual report, which have already been referred to by the Government in its report for the period 1980-81, have not yet been published. The Committee takes note, however, of the assurance given by the Government that appropriate measures have been taken to overcome the present difficulties in the publication of full annual reports and that, in the meantime, the monthly reports will be assembled in an annual report and transmitted, with summaries in English, to the ILC.

The Committee trusts that the efforts made by the Government will lead to the early publication of the above-mentioned reports and that, in future, annual inspection reports containing all the information called for by Article 21 of the Convention will be published and transmitted to the ILO within the periods laid down by Article 20 of the Convention.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Australia, Bolivia, Bulgaria, Burundi, Cape Verde, Chad, Colombia, Comoros, Cuba, Denmark, Djibouti, Ecuador, Ghana, Grenada, Guatemala, Haiti, Italy, Jamaica, Jordan, Kenya, Madagascar, Mauritania, Mauritius, Morocco, Netherlands, Nigeria, Peru, Portugal, Rwanda, Sudan, Suriname, United Kingdom, Yemen.

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

Requests regarding certain points are being addressed directly to the following States: Fiji, Somalia, Zaire.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to Tanzania (Zanzibar).

**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 instruments on freedom of association in a number of socialist countries because, in his opinion, account should be taken of the realities of the economic and social regimes existing in these countries. He also did not agree with the position taken by the Committee on the question of the dissolution or suspension of workers' and employers' organisations according to which the dissolution or suspension pronounced by a law should be treated in a similar fashion as that decided by administrative authority. In his opinion, this interpretation goes beyond the limits of Convention No. 87 (Articles 4 and 6).

As regards Poland, it had to be recalled that there were some new elements, which, in Mr. Gubinski's opinion, were essential to appreciate the situation, namely:

- martial law had been suspended and at the same time the interned persons had been released and several basic rights of citizens restored;
- a new law on trade unions grants extensive rights to trade unions, in particular as regards the defence of the rights of workers, employment policy, working conditions and wages, social benefits, housing and protection of the environment;
- the law proclaims equality of rights of all trade unions and guarantees their self-management and independence vis-à-vis bodies of the administration of the State and the economic administration;
- it guarantees the internal democracy of the trade union movement by providing, inter alia, that elections to trade union office shall be carried out by secret ballot;
- it expressly states that trade unions have the right to organise strikes and other protest action;
- it admits trade union pluralism, except for the temporary restrictive period up to 31 December 1984.

Another member of the Committee, Mr. Ivanov, associated himself with Mr. Gubinski's observation. At the same time, he stated that he could not agree with the comments of the Committee in relation to the USSR. He emphasised that in the world of today characterised by the existence of different social, economic, political and legal systems, the standards of universal international Conventions, which were generally democratic in their social nature, might engender in the course of their implementation norms of internal legal systems which might be socialist or capitalist. This meant that social realities produced as a result of the implementation of international labour Conventions or social realities with which these Conventions were confronted might be different in capitalist and socialist countries although in both cases these realities might be in conformity with the Conventions. This was especially true of those Conventions that touched upon fundamental principles and structures of the existing social systems, as Convention No. 87. In these circumstances there was a tendency to assume that the methods and results of the implementation of these Conventions in the capitalist countries were the only ones which were in conformity with the Conventions. This approach to the implementation of these Conventions made itself felt on occasion and in particular in the Committee's comments relating to the application of Convention No. 87. Such an approach was incompatible with the very foundation of international law, which was peaceful coexistence. In this particular case, it resulted in an erroneous evaluation of the USSR legislation.

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, in the strict framework of the guarantees provided for in the Convention concerned. More particularly, as regards the application of Convention No. 87 by Poland, the Committee refers to the observation that it is making in this regard.

Algeria (ratification: 1963)

In its previous observation, the Committee pointed out to the Government its comments 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 Committee takes note of the information supplied by the Government in its latest report and, in particular, its comments on the mission of trade unions and the exercise of trade union rights, which, according to the Government, are in advance of those laid down by the Convention, a Convention adopted in a context that has been rendered out of date by the coming into existence of a very large number of socialist countries or countries with socialist tendencies.

The Committee is aware that different economic, social and political realities exist within the international community. Its duty, however, is to examine the law and practice in force in the countries that have ratified the Convention from a strictly legal point of view.

The Committee therefore recalls that the Government's legislation does not seem to permit the establishment of workers' organisations independent of the UGTA and of the Party and is thus not in conformity with the principles of the Convention, which provide 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 constitutions and rules, to organise their activities and to formulate their programmes without any interference by the public authorities which would restrict this right (Article 3).

The Committee notes that a Bill respecting the mission of the trade unions and the exercise of the right to organise has been drafted with the participation of all parties concerned. It hopes that this Bill will amend the legislation in force so as to bring it into conformity with the Convention. The Committee would be grateful if the Government would send it a copy as soon as the Bill becomes law.

Argentina (ratification: 1960)

The Committee has noted the discussion which took place in the Conference Committee in 1982, the information provided the Government in its report as well as the report of the Committee on Freedom of Association on Case No. 842 examined at its meeting in February 1983.

In relation to its previous comments, the Committee notes that, in the framework of a new wages policy, the competent authorities have ordered wage increases and adjustments, special allowances for the cost of living and other subsidies and has applied or is going to apply additional measures aimed in particular at raising the purchasing power of all workers and at maintaining and recuperating real wages. Among the measures referred to are the creation of tripartite consultative commissions on professions and remuneration, and the establishment of machinery and procedures of an advisory nature made up of representatives from the sectors concerned and of appropriate technical bodies to determine wages policy within the guidelines set out by the socio-economic policy. This system appears to be the nearest preparatory step for the return to the collective bargaining system.

The Committee notes that, according to the Government, strikes are recognised as a lawful exercise of trade union rights and therefore it must be understood that the provisions restricting the right to strike have virtually fallen into disuse. The Government states in this respect that, at the national level or in determined sectors, the workers have been able to have recourse to methods of direct action - such as strikes - which must be considered as lawful. The Committee also notes that, according to the Government, the number of professional associations under supervision has dropped to 193.

Although it notes with interest from this information that there have been positive developments towards normalisation of trade union activities, the Committee wishes to point out - as the Committee on Freedom of Association has already done - that trade union life can only develop normally in a situation where the right to strike and to collective bargaining can be exercised without hindrance at all levels; these rights have been suspended since 1976. The Committee would also point out that measures of intervention in trade union organisations constitute a serious restriction of their rights to organise their administration and activities. The Committee trusts that legislative measures will be taken at an early date to repeal expressly the suspension of the right to strike, to restore collective bargaining at all levels and to lift the still existing supervision of professional associations.

The Committee again draws attention to the aspects of Act No. 22105 of 1979 on occupational organisations and Decree No. 640 of March 1980 issued under it on which it has made comments. In respect of Act No. 22105, the following points are at issue: approval of 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 on internal administration, limitations on the right to form federations and confederations and on the rights deriving 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 join a federation. As to Decree No. 640 which 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, the Committee emphasises again that supervisory powers should be exercised only by the judicial authorities and only in cases of offences constituting a real risk to the proper exercise of trade union functions.

Lastly, the Committee notes that, according to the Government, the studies which have already begun are continuing into the revision of Act No. 22105 on occupational organisations in view of the observations made in this respect by the ILO. The Committee expresses the hope that the revision of Act No. 22105 will take place soon and that the final legislative text will fully take into account the comments made.¹

Bangladesh (ratification: 1972)

The Committee takes note of the information provided by the Government in its latest report. It has also examined the Industrial Relations (Regulation) Ordinance (No. XXVI) adopted in August 1982.

The Committee observes that under section 8 of Ordinance No. XXVI strikes are prohibited and any worker infringing this provision is punishable with imprisonment of up to two years. It also observes that disputes, which now follow a compulsory conciliation and arbitration procedure, may be referred, under section 6(10) of the Ordinance, at any time by the Government to a labour court for adjudication. The Committee considers that these provisions, which prohibit recourse to strikes and which also allow the conciliation procedure to be bypassed, are contrary to the right of workers to organise their administration and activities and to formulate their programmes (Article 3 of the Convention) and to their right to further and defend the interests of their members (Article 10 of the Convention).

It also observes that, under section 7 of the Ordinance, trade union meetings, including a meeting for the election of the executive committee, cannot take place without the prior permission of the Government. The Committee points out that freedom of assembly is indispensable to the free exercise of trade union rights and that a provision of this kind is contrary to the right of workers to elect their representatives in full freedom and to organise their activities (Article 3 of the Convention). It further points out that the law of the land must not impair the guarantees provided for in the Convention (Article 8). It therefore asks the Government to adopt suitable amendments on the above-mentioned points.

With reference to section 3 of Ordinance No. XXVI of 1982, the Committee notes that this Ordinance overrides other laws only where there are conflicting provisions. It therefore reminds the Government of its earlier comments on the following provisions, which still seem to be in force:

1. The Committee notes that, under section 2(xxviii) (c) of the Industrial Relations Ordinance, as amended by Act No. XXIX of 1980, the definition of a worker excludes a person who is employed in a managerial or administrative capacity. The Committee asks the Government to indicate the employment covered by this provision.

2. Section 7A(1) (a) (ii) and (b) of the Industrial Relations Ordinance, as amended by Act No. XXIX of 1980, limits the right to be a member or officer of a trade union to persons actually employed in the establishment or group of establishments concerned. The Committee considers that a provision of this kind restricts the rights of workers to establish and to join organisations of their own choosing (Article

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

2 of the Convention) and to elect their representatives in full freedom and to organise their administration and activities (Article 3 of the Convention). It asks the Government to reconsider the provision in question.

3. The Committee notes from the report of the Government that public servants employed in government agencies and drawing salaries from the central consolidated fund, are allowed to form and join associations of their own. The Committee asks the Government to provide copies of the laws or regulations governing the recognition and exercise of this right.

4. Under section 10(g) of the 1969 Ordinance, as amended by section 5 of Act No. XXIX of 1980, the Registrar may cancel the registration of a trade union if he is satisfied that the trade union has a membership which has dropped below 30 per cent of the workers of the establishment or group of establishments for which the union was formed. Such cancellation results, under section 11A(1) of the 1969 Ordinance, in the dissolution of the union. The Committee considers that a procedure of this kind, which allows the administrative authority discretionary powers over the existence of a trade union, constitutes in practice a restriction on the right of workers to establish and to join organisations of their own choosing without previous authorisation (Article 2 of the Convention), whereas the law of the land must not impair the guarantees provided for in the Convention (Article 8). The Committee would be grateful if the Government would introduce suitable amendments on this point.

5. Lastly, the Committee notes that, under Rule 1C of the Industrial Relations Rules, 1977, the Registrar or any other officer authorised by him may enter the premises of a trade union or federation of trade unions and inspect and seize any record, register or other documents. This procedure, under which an administrative authority has wide powers of supervision over the internal affairs of a trade union, is incompatible with the right of workers to organise their administration (Article 3 of the Convention). The Committee asks the Government to reconsider the provision in question.

Belgium (ratification: 1951)

The Committee notes the information supplied by the Government in its report. In its previous observations, the Committee noted that, according to the legislation in force, a trade union must be affiliated to an organisation represented on the National Labour Council in order to be considered as representative in the private sector and in particular to be able to sit on a joint committee (Act of 5 December 1968). It observed that a similar requirement existed in the public sector for a trade union to be able to take part in the work of the general bargaining committees (Act of 19 December 1974). It appears from the Act establishing the National Labour Council (Act of 29 May 1952) that this body is composed, inter alia, of representatives of the representative organisations of workers appointed by the King from among the candidates proposed by the interoccupational organisations which are federated at the national level.

The Committee considered that this legislation might prevent a trade union which was the most representative in a given branch of activity from taking part in collective bargaining for its sector.

The Committee stressed in this regard that it is permissible, to a certain extent, for distinctions to be sometimes made between trade unions on the basis of their degree of representativity, on condition

that the determination of the most representative organisations is made on the basis of objective criteria laid down in advance, so as to avoid any possibility of partiality or abuse.

The Committee notes that, according to the Government, the criteria of representativity which make a distinction between different trade unions are only applicable within the framework of the system instituted by the Act of 5 December 1968 or by that of 19 December 1974, and that all trade union organisations can conclude collective agreements in a given sector or for a given category of workers, such agreements having the validity accorded to them by the ordinary law but not that specifically accorded by the Act of 5 December 1968. As regards the Act of 19 December 1974, the Committee notes that, according to the Government, the legislative authorities have been careful to provide that the negotiation of conditions of employment in the civil service be undertaken by trade union organisations aware of the general problem of redistribution among all workers of a fair share of the national income.

While taking note of the above information, the Committee, however, notes, in particular, that under the Act of 1968 the provisions of any collective agreement reached outside the framework of a joint body which are contrary to those of a collective agreement reached within the framework of the National Labour Council or that of the joint committee or subcommittee to which the enterprises concerned belong, are null and void. It is all the more important, in the opinion of the Committee, that the criteria of representativity laid down by the Act should enable trade unions, which appear to be the most representative of workers in a given sector or of a given category of workers, should participate in the collective bargaining machinery in order that they might represent and defend the collective interests of their members.

The Committee again requests the Government to re-examine the above-mentioned provisions of the Acts of 1968 and 1974 in the light of these considerations and to provide information on any developments in this matter.

Furthermore, the Committee has taken note of the observations submitted by the General Federation of Labour of Belgium (FGTB). It calls attention in this regard to its comments under Convention No. 98.

Bolivia (ratification: 1965)

The Committee takes note of the discussion held in the Conference Committee in 1982 and of the information provided by the Government in its latest report.

With reference to its earlier comments, the Committee takes note with satisfaction of the promulgation of Presidential Decree No. 18957 of 26 May 1982, which repeals Presidential Decree No. 17531 and thus renders ineffective the order of suspension of trade unions, employers' organisations and professional associations.

Presidential Decree No. 18957 also lays down that trade union organisations shall restore their activities to normal in conformity with the General Labour Act and related provisions. The Committee also notes that, according to the Government's report, the restoration of trade union life in the country has been decided at all levels, involving the reinstatement of the former trade union leaders and of trade unions, federations and confederations, which from now on carry on their activities in full freedom.

The Committee observes in this connection that the Government has declared a general amnesty in favour of all Bolivians who may have been exiled or may have left the country for political reasons, that Ministerial Order No. 137/82 provides for the reinstatement of all workers dismissed for political or union reasons since 17 July 1980 and that Ministerial Orders Nos. 242/82 and 247/82 provide for the normalisation of the situation in respect of the administration, custody and maintenance of union property and the repayment of the union dues which had been blocked.

The Committee must nevertheless point out that it has for some years been commenting on the following discrepancies between the General Labour Act and the Decree issued under it and the Convention: public servants are denied the right to organise (section 104 of the Act); homeworkers, domestic workers and casual workers are also denied this right (section 4 of the Decree); previous authorisation is necessary to set up a trade union (section 99 of the Act and section 124 of the Decree); only one trade union may be set up in an undertaking (section 103 of the Act); the labour inspectorate enjoys wide powers of supervision over the activities of trade unions (section 101 of the Act); trade union organisations may be dissolved by administrative authority (section 129 of the Decree); and the Executive may prohibit a strike by resorting to compulsory arbitration (section 113(c) of the Act).

The Committee also notes the statement by the Government in its report that the comments of the Committee will be taken into account in the drafts to be submitted to the National Congress to reform the labour laws. The Committee hopes that the Government will take the necessary measures to give full effect to the Convention and asks it to report on all developments.

Bulgaria (ratification: 1959)

The Committee takes note of the information provided by the Government in its latest report. It notes, however, that no new reply has been given to its previous observation, in which it noted that section 7 of the Labour Code seemed to subordinate the acquisition of legal personality by any occupational trade union to the approval of the central management of the occupational trade union already in existence.

The Committee again asks the Government to indicate the measures it intends to take to enable workers legally to establish organisations independent of the existing trade unions.

Burma (ratification: 1955)

The Committee has made comments on the legislation (Act No. 76 of 1976, section 9, and Workers' Organisations Rules No. 5 of 1976, Chapter 2) which imposes a single-trade-union system contrary to the provisions of the Convention, in particular Articles 2, 5 and 6, according to which workers have the right to establish and join organisations of their own choosing.

The Committee notes that a representative of the Director-General of the ILO carried out a direct contacts mission to the country in December 1982. The Committee expresses the hope that, following this mission, the Government will take the necessary measures to bring the legislation into harmony with the provisions of the Convention.

Byelorussian SSR (ratification: 1956)

The Committee notes the information supplied by the Government in its latest report. This information relates to provisions or situations similar to those in the USSR; the Committee invites the Government to refer to the comments made in respect of the USSR under this Convention.

United Republic of Cameroon (ratification: 1962)

The Committee takes note of the information supplied by the Government to the Conference Committee in 1981 and that contained in the latest report. The Government states that section 4(2) of Order No. 24/MTLS/DEGRE of 1969, which excludes the possibility of more than one trade union for the same branch of activity in a given central organisation, is due to a concern for the rational organisation of trade unions and does not in any manner prejudice the furthering and defending of the interests of members. The Committee points out that a provision of this kind restricts the right of workers, without distinction whatsoever, to establish and join organisations of their own choosing (Article 2 of the Convention).

The Committee further notes the Government's statement that it is impossible to establish an exhaustive list of administrations, services or sectors of the economy in which the exercise of the right to strike may be prohibited by the administrative authorities under section 165(3) of the Labour Code and section 2 of Decree No. 74/969 of 1974, that is to say the services and undertakings considered to come within a vital sector of economic, social or cultural activity. The Committee points out that in certain sectors, such as the public service and essential services, a prohibition may be applied, subject to the provision of adequate guarantees to safeguard the interests of the workers (appropriate, impartial and rapid procedures of conciliation and arbitration) and that the notion of essential services must be restricted to services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee therefore considers that a prohibition of strikes in sectors that are so broadly defined severely limits the possibilities open to the trade unions of furthering and defending the interests of their members (Article 10 of the Convention) and their right to organise their activities (Article 3 of the Convention).

The Committee would be grateful if the Government would introduce appropriate amendments in respect of the above-mentioned points.

Central African Republic (ratification: 1960)

The Committee notes the information provided by the Government in its report and has also examined the conclusions reached by the Committee on Freedom of Association at its February 1983 meeting in the case respecting the Central African Republic (Case No. 1040), approved by the Governing Body at its March 1983 Session, particularly with respect to the suspension of all trade union activities and the arrest of the Secretary General of the UGTC. The Committee can only state that the general suspension of all trade union activities deprives workers' organisations of all possibility of furthering and defending the interests of their members. It considers that such measures seriously limit the guarantees provided for by the Convention, in particular that of Article 3, which lays down the right of workers' organisations to organise their administration and to formulate their programmes.

The Committee therefore trusts that the Government will very shortly take the necessary measures to remove the restrictions in question in order to ensure the application of the Convention.

Furthermore, the Committee points out that it has commented several times since 1963 on the following provisions of the Labour Code of 1961, which jeopardise the application of the Convention:

- the members of the executive committee of a trade union must have belonged to the occupation for five years (section 10);
- collective agreements must be discussed by delegates of employers' or workers' organisations "belonging to the occupation or occupations concerned" (section 22);
- restrictions are placed on the trade union rights of foreigners (section 6(2)).

The Committee has studied a draft ordinance enclosed with the Government's report, which is to amend certain provisions of Act No. 61/221 of 2 June 1961 issuing the Labour Code. It observes that when this text is adopted it will bring the legislation into conformity with the Convention.

The Committee also trusts that the draft in question will be adopted in the very near future.¹

Chad (ratification: 1960)

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

In its previous 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

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

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 hopes 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, 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.

Colombia (ratification: 1976)

The General Confederation of Labour has made comments on certain points in the legislation which are not in harmony with the provisions of Conventions Nos. 87 and 98, namely: the imposition of model rules by which every trade union being formed must strictly abide; the provisions relating to the suspension and dissolution of a trade union by administrative authority; the excessive powers of the officials responsible for trade union supervision; the necessity of having an appeal against the decision of the Minister of Labour in cases of refusal to grant legal personality or to approve amendments to the rules; the sanctions which can be imposed by the administrative authorities for failure to comply with the legislation; the appropriateness of the judicial authorities having the responsibility of rectifying the abuses which can occur and the denial of the right to collective bargaining for public servants' trade unions.

The Committee is examining the comments of the General Confederation of Labour and the Government's reply in this respect in direct requests under Conventions Nos. 87 and 98.

Congo (ratification: 1960)

In its earlier comments, the Committee has pointed out that the introduction of the check-off system for the benefit of the Congo Trade Union Confederation by Decree No. 73-167/MJT of 18 May 1973 strengthens the single-trade-union system at present in force in the country and that section 173 of the 1975 Labour Code, Chapter V, Title VI, obliges the first-level unions or unions in undertakings to conform to the conditions laid down in the rules of the trade union organisation. The Committee points out that there is only one trade union organisation in the country, the Congo Trade Union Confederation, which is designated by name in a decree and thus benefits by compulsory financing by all the workers.

The Committee has always considered that, where the national rules impose trade union security either by compulsory membership of a trade union or by the payment of trade union dues in such conditions that it reinforces trade union monopoly, these rules are contrary to the Convention, since they are likely to affect the right of workers to establish and join organisations of their own choosing.

The Committee notes that the report contains no information on the measures taken to bring the national legislation into conformity with the Convention. It again asks the Government to indicate the measures taken or under consideration to ensure the application of the Convention on this essential point.¹

Costa Rica (ratification: 1960)

The Committee regrets that the report of the Government contains no information showing any development in respect of the comments that it has been making for many years concerning the necessity of adopting provisions to guarantee the right of access of trade union leaders to plantations and the right of workers to hold meetings there.

The Committee trusts that the revision of the Labour Code, which is at present going on, will make it possible to include special provisions to this effect.

Cuba (ratification: 1952)

The Committee notes the statement of the Government representative to the Conference Committee in 1982, as well as the information provided by the Government in its latest report.

In its previous observations, the Committee had noted that the legislation (section 3 of Legislative Decree No. 3 of 1977) appeared to establish and maintain a system of trade union unity.

The Government states in its report that section 3 of Legislative Decree No. 3 of 1977 does not mention the Workers' Central Organisation of Cuba with a view to imposing by law a single-trade-union system, but rather so as to recognise that the trade unions which make it up and the central organisation itself are governed and act in conformity with the principles, laws and rules which their members democratically discuss and adopt. The Government states that the wish and will to have trade union unity in the Cuban workers' movement is an historical fact going back to the first worker congresses held in 1887. In addition, the Government recalls that, under section 1 of Legislative Decree No. 3, all manual and intellectual workers have the right, without having to obtain prior authorisation, freely to join and to set up trade union organisations.

The Committee takes note of these statements by the Government, in particular as regards the historical background to the unitary system in the Cuban trade union movement. The Committee considers it useful to recall, however, that under Article 8, paragraph 2, of the Convention the law of the land should not impair the guarantees provided for in the Convention, in particular the right of workers to establish organisations of their own choosing under Article 2 of the Convention. It is the opinion of the Committee that the express mention of the Cuban Workers' Central Organisation in the legislation could constitute an obstacle to the formation of another central organisation if the workers so wished.

The Committee therefore expresses the hope that the Government will take the necessary measures, during any revision of the legislation, to remove the reference in the Act to a named trade union organisation.

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

Czechoslovakia (ratification: 1964)

The Committee notes the report submitted by the Government.

The Committee again notes that, according to the Government, the establishment of trade union organisations independent of the Revolutionary Trade Union Movement and of its constituent units is possible but that the functions allocated to the existing organisations (of which the principal function, according to the Government, is the negotiation of collective agreements) will not be automatically recognised in their case since it is hardly likely that, from the moment of their establishment, they could be representative of the workers as a whole since existing organisations already group 97 per cent of the labour force.

The Committee recalls that, while it may be possible for a single trade union organisation to be recognised as the sole bargaining agent, this does not mean that other organisations may not be established and benefit from certain rights in defending and furthering the interests of their members. However, the rights and functions exclusively conferred on the Revolutionary Trade Union Movement and its constituent units go well beyond the right to bargain collectively.

Consequently, while noting that the Government would be prepared to amend its legislation as soon as it appeared that a trade union organisation was supported by a significant number of workers, the Committee would recall its previous conclusions to the effect that, even if the establishment of independent organisations is possible under the law, the fact that it would be impossible for them to exercise the trade union functions at present allocated to the existing organisations limits the right of the workers to establish organisations of their own choosing and the possibility for such organisations to further and defend the interests of their members.

The Committee notes that, according to the Government, the members of agricultural co-operatives are distinct from workers by virtue of their employment relationship, and hence cannot be regarded as workers or employees within the meaning of Article 2 of the Convention.

The Committee recalls in this regard that the Convention applies to all workers without any distinction whatsoever, irrespective of the nature of their employment relationship.

The Committee notes the Government's statement that the members of agricultural co-operatives having activities of an industrial character have already joined trade union organisations.

The Committee requests the Government to specify the laws which guarantee to such workers the rights and guarantees provided by the Convention and to indicate the steps that it proposes to take to enable other members of co-operatives to establish and join organisations of their choosing.

Dominican Republic (ratification: 1956)

The Committee takes note of the information provided by the Government in its report.

In its previous comments the Committee has noted that the Secretary of State for Labour has prepared 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 of 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 also noted that the National Administration and Personnel Office (ONAP) was 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 had been transmitted to it. With reference to the legislation in force the Committee has 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 concerning freedom of association that are laid down in the legislation. 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 organisations), this Act contains provisions the application of which could be contrary to the Convention (section 13, for example, refers to the dissolution of an association by the Executive).

The Committee has also 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) and the Government has repeated its intention to revise the legislation on this point.

Concerning the prohibition of the right to strike in those permanent public services set out in section 371 of the Labour Code, the Committee considers that some of these services (for example, transport in general and services for the sale of transport fuel) do not appear to belong to the class of essential services in the strict sense of the term and points out that section 371 also extends the notion of public services permanently in use to the similar services listed in the provision. The Committee therefore invites the Government to examine this list with a view to restricting it to services which are genuinely essential, that is to say, those services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee takes note of the Government's intention stated in its report, to revise the legislation with a view to bringing it into conformity with the Convention and trusts that the necessary measures will be adopted in the near future. The Committee asks the Government to keep it informed of all developments.

Ecuador (ratification: 1967)

The Committee takes note of the information provided by the Government in its latest report.

With reference to sections 441 and 455 of the Labour Code (refusal to register an occupational organisation), the Committee notes that appeal is possible to the judiciary under sections 1, 2, 5 and 10(a) of the Administrative Tribunal Act and that the Administrative Tribunal can examine the substance of the matter.

The Committee also notes that the draft amendment of the present section 461 of the Labour Code (dissolution of the works committee by administrative authority when the number of its members is less than 25 per cent of the total number of workers) is at present under study in the Office of the President of the Republic and that it will later be submitted to the National Chamber of Representatives.

In addition, the Committee notes that Legislative Decree No. 105 (which lays down penalties for those who call strikes) has fallen into disuse. Since the text of this Legislative Decree conflicts with the guarantees provided for by Article 3 of the Convention, the Committee asks the Government to take steps to repeal it.

With regard to the requirement that union rules shall contain provisions concerning the prohibition of unions or occupational associations from being active in party politics (section 443(11) of the Code), the Committee notes that, according to the Government, in practice it is difficult to separate union activities from party politics and that in fact the various federations and confederations of the country are established in accordance with one political trend or another. The Committee notes the views of the Government that unions having marked political tendencies might have a harmful effect on certain individual rights of their members laid down in the Constitution and that it is better to prevent acts than to have to punish them when they have been committed.

Since, however, Article 3 of the Convention lays down that workers' organisations shall have the right to draw up their constitutions and rules and to organise their activities, and that the public authorities shall refrain from any interference that would restrict this right, the Committee must point out the legislative provisions which generally prohibit trade unions from carrying out political activities are incompatible with the principles of freedom of association.

The Committee further points out that it has already made comments on the following provisions:

- section 443(7) of the Code, which lays down the minimum dues to be paid to a trade union organisation by its members. The Committee has considered that the rate of minimum dues should not be imposed by law but left to the decision of trade union organisations;
- section 445, which provides that the management committees of trade unions shall be composed only of workers belonging to the undertaking. The Committee has considered that this question should be left to the decision of the trade union organisations;
- sections 457 and 501, which appear to accord exclusive rights in respect of collective bargaining and strikes to the first-level organisations known as "works committees". The Committee has considered that these rights should be expressly recognised to federations and confederations;
- sections 466 and following of the Code and article 31(k) of the new Constitution, which confirm the compulsory arbitration system. The Committee has pointed out that these provisions limit the right of trade union organisations to organise their activities;
- article 125 of the Constitution, which lists the persons to whom the right to join trade unions is denied. The Committee has pointed out that, under the Convention, only the armed forces and the police should be denied this right.

The Committee again expresses the hope that, in view of the above comments, the Government will shortly take the necessary measures to give full effect to the Convention and asks the Government to inform it of any developments in this regard.

Egypt (ratification: 1957)

The Committee notes the information provided by the Government in its report; it has also examined the provisions of Act No. 1 of 1 January 1981 to amend certain provisions of the Trade Unions Act (No. 35 of 1976) and of Act No. 137 of 6 August 1981 issuing the Labour Code.

1. The Committee has already commented on Act No. 35 of 1976, which imposes a single-trade-union system at every level. The Committee regrets to observe that Act No. 1 of 1981 reinforces the single-trade-union structure.

The Committee notes the explanations of the Government on the historical development of the trade union movement in Egypt. It notes the Government's statement that the unity of the trade union movement has been called for by the workers' movement itself and that the role of the Government has been merely to set this out in the law, but it is bound to point out that, although the purpose of the Convention is not to make trade union pluralism compulsory, this pluralism must remain possible, since workers may wish to establish organisations independent of the existing trade union structure. The Committee therefore considers that certain sections of Act No. 35 of 1976 as amended (in particular sections 7, 13, 14, 16, 17, 31, 41, 52 and 65) are not compatible with the rights guaranteed by the Convention in Articles 2, 3, 5 and 6, under which, in particular, workers have the right to establish organisations of their own choosing and these organisations have the right to draw up their constitutions and to organise their activities.

2. The Committee has also commented on the right to strike and has noted the Government's explanations that the legislation in force does not set up a system of compulsory arbitration. The Committee notes that, according to the Government, a number of strikes have occurred since 1979. It points out that the provisions of title IV, Chapter III, of the new Labour Code of 1981 (sections 93-106) establish conciliation and arbitration procedures for collective labour disputes. It notes that the arbitration boards may draw on Islamic law, on customs and practices and on the principles of equity, having due regard to the general economic and social situation in the region. The Committee points out that the right to strike is one of the essential means available to workers and their organisations to further and defend their occupational interests and asks the Government to provide information on the practical application of the above-mentioned provisions as well as to communicate a copy of the text of the Order of the Minister of Manpower and Training determining the constitution, competence and procedures of the local committees and of the Central Disputes Board (section 95 of the Code).

The Committee has also noted that, under section 7 of Legislative Decree No. 2 of 1977, all workers who have taken part in a strike endangering the national economy are liable to a life sentence of forced labour. The Committee has noted the statement by the Government that this Legislative Decree is of a purely political character, having been issued in exceptional circumstances. It now notes the Government's statement that the Legislative Decree is not aimed at trade union activities carried on to defend the workers and claim

rights for them and that no worker has been prosecuted for going on strike. The Committee considers nevertheless that this text is drafted in extremely broad terms and that it can affect the right of trade unions and workers to further their occupational interests by means of strikes.

3. The Committee has also commented on other provisions of the Trade Unions Act No. 35 of 1976, and it refers again to the following points: the trade union rights of certain managerial staff (section 19(e)) and the right of trade unions to organise their administration and activities (sections 23, 36(c), 41 and 62).

The Committee hopes that the Government will take the necessary measures to bring its legislation into conformity with the provisions of the Convention in the light of the above considerations.¹

Ethiopia (ratification: 1963)

The Committee notes the information supplied by the Government representative to the Conference Committee in 1982, as well as the latest report submitted by the Government.

It notes in particular Proclamation No. 222 on trade union organisation and Proclamation No. 223 concerning the consolidation of peasants' associations, both adopted in 1982.

The Committee wishes to draw attention to the following points raised by the provisions of the new legislation which hinder the application of the Convention:

1. In its previous comments the Committee already noted that the legislation in force, both as regards workers and peasants, establishes a single-trade-union system. The new Proclamations do not modify the trade union structures. In fact, under section 9(4) and (5) of Proclamation No. 222, the regrouping of unions results in a single union at the national level, namely the All Ethiopian Trade Union (AETU), whose function is principally to represent the workers and trade unions of Ethiopia (section 6) which, in turn, have to report to the higher-level unions (section 11).

The peasants' associations are organised on similar lines. Under section 9 of Proclamation No. 223, the first-level associations (the Kebele associations) are required to unite at the national level to form the All Ethiopian Peasants' Association (AEPA), which is the only national association (section 29) whose functions, laid down in section 30, coincide with those of the AETU referred to above. As regards lower-level associations, they are also required to report to the higher-level associations (section 10(3)).

The Committee also notes that under section 5 of Proclamation No. 222, the trade unions are required to disseminate information amongst the workers on the Government's development plans and on Marxist-Leninist theories and to apply the decisions, directives and ordinances of the superior authorities. Proclamation No. 223 imposes the same obligation on peasants' associations (section 15(4) and section 22(5)); it further stipulates that every member of an association has the duty to accept and apply the programme of the National Democratic Revolution of Ethiopia (section 13(1)).

¹ The Government is asked to report in detail for the period ending 30 June 1983.

The Committee understands the concern of the Government to protect the trade union movement from the problems which can be generated by an excessive multiplicity of small organisations. However, the Committee is of the opinion that where legislation imposes on workers a grouping which leads to a single-trade-union system with the consequent obligation on the unions to follow the ideological and economic policies of a government, it is impossible for the workers to exercise their right to establish organisations of their own choosing (Article 2 of the Convention) and for the unions to exercise the right to formulate their programme (Article 3 of the Convention).

2. The Committee notes that the problem relating to the right of affiliation to international organisations, already raised in previous observations, has not been resolved by the new Proclamation No. 222 since, under its section 6(6), only the All Ethiopian Trade Union (AETU) is granted the right to sign agreements with international organisations based on the principles of the international proletarian movement.

The Committee wishes to point out again that Article 5 of the Convention recognises the right of all unions to affiliate with international organisations of their choice.

3. The Committee notes further that under section 6(7) of Proclamation No. 222, the statutes of all Ethiopian trade unions are adopted by the AETU just as the statutes of peasants' associations are adopted by the AEPA under section 30(6) of Proclamation No. 223. Furthermore, the statutes of workers' unions have to be registered at the Office of the Minister (section 17(2) of Proclamation No. 222).

In the Committee's opinion, this procedure which confers on the single national trade unions (AETU and AEPA) the exclusive right to draft the statutes of all trade unions and associations and which imposes their registration with the Minister is contrary to the right of the unions and associations to draw up their own statutes (Article 3 of the Convention).

4. The Committee again notes that public servants are not covered by Proclamation No. 222. However, it takes note of the Government's statement that their case is at present under review. The Committee therefore requests the Government to keep it informed of any developments in the situation concerning this category of workers. The Committee also requests it to indicate whether, by virtue of the definition of "worker" (section 2(3) of Proclamation No. 222), domestic employees are covered by the Proclamation.

5. The Committee notes that the question of the right to strike has not been raised in Proclamation No. 222. Consequently, sections 106 and 99(3) of the Labour Proclamation of 1975 remain in force since the new Proclamation only repeals the earlier provisions in case of conflict (section 31(3) of Proclamation No. 222). The Committee therefore again draws attention to the fact that sections 106 and 99(3) of the Labour Proclamation of 1975 impose restrictions on the right to strike, thereby limiting the right of the workers' organisations to further and defend the interests of their members (Article 10 of the Convention) and the right of the unions to formulate their programme (Article 3 of the Convention).

The Committee notes with regret that its previous observations do not seem to have been taken into account in the adoption of the new legislation. It therefore requests the Government to amend its legislation to bring it into conformity with the aforementioned Articles of the Convention.

6. In its previous observation the Committee had commented on the employers' organisations which, in its opinion, do not constitute employers' organisations in the sense of the terms of the Convention, that is to say, organisations whose main purpose is to further and defend the interests of employers.

In her statement before the Conference Committee in 1982, the Government representative stated that the legal committee of the Council of Ministers entrusted with examining amendments to the Chambers of Commerce Proclamation of 1978 had been unable to complete its work because of the numerous consultations it had carried out with the employers, both in the private sector and in the public and co-operative sectors. Some progress had however been made.

The Committee hopes that the legal committee will submit the results of its work in the near future and that the proposed amendments will be adopted.¹

Gabon (ratification: 1960)

The Committee notes the information provided in the latest report of the Government, which states that the compulsory affiliation (section 174 of the Labour Code) of occupational organisations to the single central workers' or employers' organisation meets a concern for political unity and unity in national action. The Committee, however, reminds the Government of its previous observation according to which the compulsory affiliation, under pain of illegality, of existing or future workers' or employers' organisations to the single central organisation of workers or 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 organisations of their own choosing.

The Committee notes that the reply of the Government concerning the exercise of the right to strike refers to the provisions of the Labour Code. It points out that the conciliation and arbitration procedure provided for by sections 239 and following of the Labour Code prevents resort to strikes. The Committee considers that a prohibition of strikes, even indirect, seriously restricts the powers of unions to further and defend the interests of their members (Article 1C of the Convention) and the right of unions to organise their activities (Article 3 of the Convention). The Committee hopes that the revision of various sections of the Code that is now under study will lead to suitable amendments on these points.¹

Federal Republic of Germany (ratification: 1957)

The Committee notes the information communicated by the Government in its report. It also notes several comments made by the German Confederation of Trade Unions (DGB), as well as the Government's reply in this respect.

In addition, the Committee notes a decision of 17 February 1981 of the Federal Constitutional Court handed down in the case of a

¹ The Government is asked to report in detail for the period ending 30 June 1983.

constitutional complaint on the question of "whether, in charitable church-run institutions, trade unions have the right to inform, recruit and attend to their members through trade union delegates who do not work in these institutions". The Committee notes that the Federal Constitutional Court decided that there was no legal basis guaranteeing the right of access to the undertaking of a trade union delegate who does not work there and that such a right could not be deduced from the interpretation of the constitutional right to freedom of association (Article 9, paragraph 3, of the Federal Basic Law). The court also stated that such a right of entry was in any case excluded in undertakings where the trade union was already represented.

The Committee takes note of the Government's arguments and those of the DGB in this connection.

The Committee recalls that, under the Convention, workers have the right to establish and join organisations of their own choosing (Article 2) and that workers' organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes (Article 3).

In the Committee's opinion, the rights of workers on the one hand and their organisations on the other, provided for in the Convention, imply that the management of trade union organisations should be able to remain in contact with the members of the trade unions and vice versa. In cases such as the Federal Republic of Germany where trade unions are organised on a wider basis than by undertakings, trade union leaders, even those who do not work on the premises, should therefore have access, where necessary, to the workplace, because this right could constitute for the workers' organisations an essential condition for the promotion and defence of the interests of their members (Article 10 of the Convention).

However, the Committee must also point out that, under Article 8 of the Convention, workers and their organisations are obliged to respect the law of the land, it being understood that the law of the land shall not be such as to impair, nor shall it be so applied as to impair the guarantees provided for in the Convention. The Committee therefore considers that the granting of facilities to trade union leaders so as to have access to the workplace should not unduly affect the running of the undertaking concerned.

The Committee hopes that, in the interest of the harmonious development of industrial relations, the Government will take the appropriate measures in the light of the Committee's comments. It requests the Government to supply information on any developments in the situation.

Ghana (ratification: 1965)

Referring to the comments it has been making since 1968 on the excessively wide powers invested in the Registrar with regard to the registration of trade unions and the issue of certificates of registration, as well as on the absence of any provisions concerning the right to form federations and confederations or the right to join international organisations of workers, the Committee notes that the Government has requested and obtained advice from the ILO on the manner of bringing its legislation into conformity with the Convention.

The Committee notes with interest the Government's assurances that it will take into consideration the amendments suggested by the ILO in the current two-year programme of codification of all existing labour legislation.

The Committee expresses the firm hope that this assistance will lead to the adoption, in the near future, of measures ensuring the observance of the Convention.

Greece (ratification: 1962)

The Committee notes with satisfaction that section 32 of Act No. 1264 of 1 July 1982 respecting the democratisation of the trade union movement and the protection of workers' trade union freedoms repeals, among other things, two texts that it has been commenting on, namely Act No. 330 of 1976 respecting occupational unions and federations and Act No. 643 of 1967 respecting the protection of the freedom of association of civil servants and also certain older provisions.

It notes in particular that since then the provisions of Act No. 643 of 1977 which obliged civil servants' organisations to join organisations representing them alone have ceased to have effect.

It also notes that the new Act ends the system of financing trade union organisations through the CDEPES, the body for the administration of the special resources of workers' unions, which the Committee has been commenting on for many years. The Committee notes that section 17 of Act No. 1264 transfers the rights and obligations of the CDEPES to the Workers' Institute, that section 6(2) provides that unions may collect their members' dues through the check-off system and that under section 6(3) a final solution must be found by means of a general collective agreement or an arbitration award within three months. The Committee asks the Government to provide information on the final solution adopted with respect to the collection of union dues.

The Committee further observes that the new Act continues to exclude seafarers from its scope. It notes the explanations provided by the Government in its report to the effect that the Act does not apply to them because they form a special case and that their associations will be governed temporarily by the former provisions. The Committee urges the Government, however, to endeavour to adopt provisions in the near future conforming to the Convention and guaranteeing the freedom of association and protection of the right to organise of seafarers.

The Committee is also addressing a direct request to the Government on the application of the Convention to retired journalists.

Guatemala (ratification: 1952)

With reference to its previous observation, the Committee notes the information supplied by the Government representative to the Conference Committee in 1982, as well as that contained in its report.

The Committee notes with interest that, on 17 September 1981, "statutory provisions for the application of international labour Conventions Nos. 87 and 98" were adopted, amending in particular subsections (a) and (b) of section 221 of the Labour Code relating to the supervision of the trade unions by the authorities, thus bringing the legislation on this point into conformity with the Convention. The Committee also noted that, according to the aforementioned statutory provisions adopted on 17 September 1981, the provisions contained in subsection (a) of section 226 (dissolution of trade union organisations convicted of intervening in electoral or party politics) should be applied, taking into account the guarantees contained in section 43, third paragraph, and sections 44 and 65 of the Constitution of the

Republic (relating in particular to freedom from discrimination and freedom of expression). While the Committee notes that certain improvements have been introduced with respect to the previous regulation, it is of the opinion that the prohibition of trade union intervention in matters of electoral or party politics can only be justified in matters unconnected with the promotion and defence of the interests of its members.

On the other hand, the Committee must call attention to the various observations which it has been making over the years on the application of the Convention in connection with the following points: prohibition of re-election of trade union officers (section 222 (a) of the Labour Code); the power to refuse to authorise the establishment of more than one trade union per undertaking (section 211 (c), second paragraph, of the Code); and restrictions on the right to strike of workers in decentralised autonomous and semi-autonomous state bodies (section 4 of Decree No. 1786 of 1968). Similarly, the Committee has also called attention to the fact that the application of section 63 of the Civil Service Act, which grants public servants freedom of association for professional purposes, is not governed by any regulations.

The Committee hopes that the Government will take the necessary measures in the near future to bring legislation into conformity with the Convention.¹

Honduras (ratification: 1956)

The Committee takes note of the information provided by the Government in its report. It notes in particular that a preliminary draft Labour Code has been prepared with the technical assistance of the ILO, that it has been reviewed by the labour administrative authority and that it is at present before the National Constituent Assembly for discussion and subsequent adoption. The Government states that it is hoped to introduce new provisions to bring the provisions that the Committee has been commenting on into conformity with those of the Convention.

In its previous observation the Committee dealt with the following points:

- amendment of section 2 of the Labour Code so as to extend the right to join trade unions expressly to workers in agricultural or stockraising undertakings not regularly employing more than ten workers, with a view to bringing this provision into conformity with Article 2 of the Convention;
- 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 members shall remain in existence;
- 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;

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

- 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 for more than one year before election.

The Committee hopes that the new Labour Code will be adopted in the near future and that its provisions will take full account of the comments of the Committee.

Hungary (ratification: 1957)

The Committee takes note of the information provided by the Government in its last report.

It notes that, according to the Government, in a given undertaking, trade union rights are granted to trade union organisations that already exist or are to be established. It also notes that the governing body for the trade union organisations in an undertaking is the meeting of the members or, where the number of members makes this necessary, an elected committee, to which the law accords essential rights such as the right of collective bargaining and that of making complaints within the undertaking.

The Committee also notes that, according to the Government, the National Council of Trade Unions, whose members are elected at the common congress of all trade unions, is empowered to act on behalf of the workers and to represent them before national and international bodies.

In the opinion of the Committee, this unitary trade union structure warrants the interpretation that the possibility of workers to establish trade union organisations independent of the existing structure that are capable of furthering and defending their members' interests appears to be excluded.

The Committee again asks the Government to indicate the measures it intends to take to ensure that the legislation clearly guarantees to workers the right to establish and to join organisations of their own choosing, in accordance with Article 2 of the Convention.

Ireland (ratification: 1955)

Following its previous comments, the Committee notes with satisfaction that the Trade Disputes Act, 1906, has been amended so as to extend to all workers and their unions (with the exception of members of the police and the armed forces) the protection guaranteed under the 1906 legislation.

Jamaica (ratification: 1962)

The Committee takes note of the latest report of the Government and the appendices enclosed with it. The Committee notes that the points raised in its previous observation have been submitted to the Tripartite Committee set up to review the labour legislation. It therefore points out again that section 9 of the Labour Relations and Industrial Disputes Act (Act No. 14 of 1975), as amended, amounts to a prohibition of strikes in services defined as essential in the law, which cover several sectors of economic activity such as banking,

transport, the loading and unloading of ships, oil refining, etc. The Committee recognises that resort to strikes may be prohibited in essential services subject to adequate guarantees (appropriate, impartial and rapid procedures of conciliation and arbitration). The concept of essential services, however, must be restricted to services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee is therefore of the opinion that the above-mentioned list is too extensive to be compatible with the Convention.

With regard to the power conferred on the Minister by Act No. 14, as amended in 1978, which enables him to refer all disputes to compulsory arbitration, the Committee points out that this procedure, which may lead indirectly to the prohibition of the right to strike, considerably restricts the power of the trade unions to further and defend the interests of their members (Article 10 of the Convention) and their right to organise their activities (Article 3 of the Convention).

The Committee hopes that the Tripartite Committee will take its comments into account and that suitable amendments will be introduced in the legislation on these points.

Japan (ratification: 1965)

The Committee notes the information supplied by the Government in its reports and to the Conference Committee in 1981, as well as the comments made by the General Council of Trade Unions of Japan (SOHYO).

1. The Committee notes that the Government states that it intends to continue to study the question of the right to organise for fire-fighters in a long-term perspective. The Government adds that after listening to the opinions of the parties concerned at the Inter-Ministerial Conference on Public Employees' Problems, it will expedite the study in order to reach a conclusion. In October 1981, the Government heard the views of the Japan Voluntary Firemen's Association and in January 1982 it heard explanations from the authorities concerned on the conditions of work of the fire defence personnel. In its observations SOHYO again raises the question of the right to organise of fire-fighting staff and asserts that the two deliberations held by the Inter-Ministerial Conference on Public Employees' Problems have been insufficient and that the views of some of the trade unions involved were not taken into account at those meetings. SCHYC also states that the municipal authorities have denied recognition to the Fire Fighters' Council, which, SOHYO states, is the autonomous organisation of fire-fighters at the local level. The Committee requests the Government to continue to supply information on any further deliberations that might take place concerning the right to organise of this category of workers.

2. As regards the question of the denial of legal personality to the Japanese Trade Union of Municipal and Prefectural Workers (JICHIRO), the Government has indicated that it is difficult to confer corporate status on this organisation if its constitution remains unchanged. The conferral of such status would enable the union to possess and manage property, but even without such status a union may engage in its essential activities without hindrance. The Government adds that there has been no interference in the activities of JICHIRO which submitted its last request for legal personality in February 1981. In this connection the SOHYO claims that the possession of property rights is essential to trade union existence. The Committee considers that the legislative provisions in this particular case regulating the grant or refusal of legal personality to trade union organisations do not appear such as to infringe the Convention.

3. The Committee notes the Government's statement to the 1981 Conference Committee concerning the proportion of managerial, supervisory and confidential staff and its reply to the SOHYO's comment that the scope of such categories has not been decided by the authorities at their discretion, but is fixed objectively and impartially by the National Personnel Authority or the Personnel Commissions or the Equity Commissions (depending on the status of the workers involved). The statistics provided by the Government, as well as its previous statements on this question, indicate that the legal definition of this category of staff is not being abused.

4. Despite the Committee's conclusions in its 1981 observation as regards the application of sanctions for participation in strikes in the public sector, the SOHYO states that in 1982 severe sanctions (such as suspensions, cuts in wages) were applied against 9,090 public servants and 3 unions. While noting the Government's explanation that penalties are inevitable in a legal situation where strikes are prohibited, the Committee would recall the principle often stated by the Committee on Freedom of Association that, although the right to strike may be prohibited in the civil service and essential services in the strict sense of the term, the loss of such a fundamental right must be compensated for by speedy and impartial conciliation or arbitration procedures. The Committee on Freedom of Association has also pointed out that the application of severe disciplinary sanctions in such circumstances is not conducive to the development of harmonious industrial relations. The Committee of Experts further considers that recourse should not be had to penalties of imprisonment in the case of peaceful strikes. The Committee requests the Government to supply information on all cases in which such sanctions are applied and to take into account the Committee's comments on this point.

5. The SOHYO also states that the compensatory guarantees granted to civil servants to whom the right to strike is denied are inadequate because working conditions - including wages and salaries - are determined by laws and regulations. In addition, it states that the three types of bodies referred to by the Government - the National Personnel Authority (NPA), the Personnel Committees and the Equity Committees - have various shortcomings, e.g. the NPA and the Personnel Committees can only make recommendations on wages and such recommendations are not binding upon the Government or the Diet. As regards the body responsible for employees of public corporations and national enterprises (PCNE Labour Relations Commission), the SOHYO states that its mediation procedures have no binding effect and its arbitration awards are not always implemented (see observation under Convention No. 98). The SOHYO also states that wage negotiations for this category of public servants are restricted by budgetary considerations and by unsuitable yardsticks for wage comparisons.

The Committee notes that the Government, in its replies to SOHYO's observations, states that while it adheres to the principle of determining working conditions of public servants by laws, the will of such workers can be reflected through their organisations. In addition, the Government points out that it has made every effort to implement the recommendations of such bodies as the National Personnel Authority and the PCNELEC.

The Committee would again, in this connection, stress the importance which it attaches, where strikes in the public service or in essential services are prohibited or restricted, to the existence of adequate guarantees being provided for the workers concerned. Such guarantees may take the form of adequate, speedy and impartial conciliation and arbitration procedures which enjoy the confidence of the parties, and in which the awards are binding and are fully and promptly implemented.

Kuwait (ratification: 1961)

With reference to its earlier comments, the Committee takes note of the assurances given by the Government to the Conference Committee and in its reports, to the effect that it intends to amend the Labour Law. The Committee notes in particular that a special committee has been set up to study the draft Labour Code in the private sector in collaboration with the three parties concerned and that it will communicate the results of its work in due course.

The Committee points out that the following provisions of the legislation are not in conformity with the Convention and should be amended:

- there must be at least 100 workers to establish a trade union (section 71 of the law) and at least 10 employers to form an association (section 86);
- foreigners must have resided five years in Kuwait before they may join a trade union (section 72);
- at least 15 members must be Kuwaiti before a union may be established (section 74);
- a certificate of good reputation and good conduct must be obtained before a person may join a trade union (section 72);
- a certificate must be obtained from the Minister of the Interior stating that he has no objection to any of the founding members before a trade union may be established (section 74);
- not more than one trade union may be set up for a given establishment or activity (section 71);
- trade unionists who are not of Kuwaiti nationality may not vote, except to elect a representative whose only right is to express their opinions to the trade union leaders (section 72);
- the authorities have wide powers of supervision over books and records (section 76);
- the assets of a trade union fall to the Ministry of Social Affairs and Labour in the event of dissolution (section 77);
- trade unions are prohibited from engaging in any political or religious activity (section 73);
- trade unions may associate only if they represent the same occupation or industries producing similar goods or providing similar services (section 79);
- organisations and their federations are prohibited from forming more than one general confederation (section 80).

Since these provisions run counter to the guarantees provided for by Articles 2, 3 and 5 of the Convention, which provide that workers and employers, without distinction whatsoever, shall have the right to establish organisations of their own choosing without previous authorisation and that workers' and employers' organisations shall have the right to elect their representatives in full freedom, to organise their administration and activities and to establish federations and confederations, the Committee expresses the firm hope that the amendments that the Government has been announcing for several years will bring the legislation into conformity with the Convention.

It again asks the Government to indicate any progress made in this connection.¹

Liberia (ratification: 1962)

The Committee takes note of the information provided by the Government in its latest report and of the statements made by the Government representative to the Conference Committee in 1982.

The Committee has already pointed out in its previous comments that the legislation at present in force does not recognise the right of workers in the public service or of those in state undertakings to establish trade union organisations. It points out that this right, recognised by Article 2 of the Convention, applies to all workers without distinction whatsoever. The Committee notes that the draft labour law provides for the recognition of this right to workers in state undertakings. It hopes that the draft will be adopted in the near future and that the amendment of the Civil Service Act at present under study will extend the right to workers in the civil service.

The Committee notes the 1982 Decree of the People's Redemption Council, drafted to give effect to Convention No. 87, and which should come into force as soon as signed by the Head of State. The Committee observes that section 8 of the Decree provides for the repeal of section 4601-A of the Labour Practices law, which prohibits a trade union or workers' industrial organisation from exercising any privilege or function on behalf of agricultural workers, contrary to the right recognised to workers, without distinction whatsoever, to establish and join organisations of their own choosing (Article 2 of the Convention). The repeal of this section is also provided for in the draft labour law. The Committee hopes that the Government will shortly bring into force the amending provisions in order to give effect in law to a situation that is already recognised in practice, since, according to the Government, workers on three plantations have already formed joint organisations with industrial workers. It further notes that the 1982 Decree was to come into force about the month of June 1982. The Committee asks the Government to state whether the Decree has now been adopted.

The Committee notes that the prohibition of the right to strike by Decree No. 12 in all sectors of the economy has not been lifted. It points out that a general prohibition of the right to strike seriously limits the ability of trade unions to further and defend the interests of their members (Article 10 of the Convention) and their right to organise their activities (Article 3). It emphasises that the prohibition of strikes should be permitted only in the public service or in essential services in the strict sense of the term, that is to say, those services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee hopes that the economic and social climate will make it possible in the near future for the Government to re-establish the free exercise of the right to strike.¹

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

Malta (ratification: 1965)

The Committee has examined the information provided by the Government in its latest report and the comments submitted by the Confederation of Maltese Trade Unions (CMTU).

It notes that, according to the CMTU, the Government does not yet apply the provisions of the Industrial Relations Act, 1976, concerning the establishment of the Joint Negotiating Council in the public sector.

The Committee also notes that, according to the Government, the absence of agreement among the unions on the setting up of a single representative body presents the Government with a major difficulty in the establishment of the Joint Council.

The Committee, however, considers that the establishment of the Joint Council should not be hindered by the existence of the present two trade union bodies, namely the Confederation of Maltese Trade Unions and the General Workers' Union.

The Committee therefore hopes that the Joint Negotiating Council, as provided for by section 25 of the Industrial Relations Act, will be established in the very near future and asks the Government to supply information on any development in the situation.

Mauritania (ratification: 1961)

The Committee notes the information provided by the Government in its latest report. It has also examined the report of the Committee on Freedom of Association respecting Case No. 1088, approved by the Governing Body at its 221st Session (November 1982), which, in particular, drew the attention of this Committee to the deterioration in the trade union situation. The Committee observes that the draft amendments to the Labour Code are still under study, particularly those in relation to section 1 of Book III, which prohibits the establishment of more than one union in a given trade or occupation or similar trades or occupations and restricts the right of workers to establish and join organisations of their own choosing (Article 2 of the Convention), and sections 40 and 48 of Book IV, under which a strike may be prohibited by submitting the collective dispute to an arbitration procedure, which is contrary to the right of workers to organise their administration and activities (Article 3 of the Convention) and to further and defend the interests of their members (Article 10 of the Convention).

The Committee again expresses the hope that the revision of the Labour Code will take into account its comments, which were repeated by the Committee on Freedom of Association during the examination of Case No. 1088, and it would be grateful if the Government would provide information on any development in the situation.

Mexico (ratification: 1950)

The Committee takes note of the information provided by the Government in its report.

In its previous comments, the Committee expressed the view that certain provisions of the Federal Act on State Employees are contrary to the Convention. These provisions prohibit the formation of more than one trade union in a given service (sections 68, 71, 72 and 73 of the Act), prohibit members from leaving a trade union, unless expelled

(section 69), prohibit application for re-election within trade unions (section 75), prohibit trade unions from affiliating with central organisations of workers or peasants (section 79(V)) and impose a single federation of trade unions of state employees (section 84).

The Committee takes note of the statement by the Government in its report to the effect that under the legislation the term "trade union" is confined to the most representative association or group within a service, to which certain exclusive rights are recognised, but that this does not mean that other minority organisations may not exist with the right to carry on activities on behalf of their members.

The Committee nevertheless observes that it follows from the statements of the Government that in any case any minority organisations that might exist within a service would not be able to acquire legal personality. The Committee is bound to point out that, although the fact that the laws of a country grant certain exclusive rights to the organisation that is most representative is not in itself objectionable from the point of view of the application of the Convention, such privileges must not deprive the other organisations of the essential means of furthering the interests of their members. In this connection, the Committee considers that where the less representative organisations cannot even obtain legal personality their legal status does not appear to meet the requirements of the Convention. The Committee also notes the statement in the report of the Government to the effect that the formation of federations or confederations by existing minority groups is not prohibited. The Committee nevertheless takes the view that the above considerations also apply in this connection.

The Committee expresses the hope that the Government will take the necessary measures to bring sections 68, 69, 71, 72, 73, 75, 79 and 84 of the Federal Act on State Employees into conformity with the Convention and asks the Government to inform it of any developments.

Netherlands (ratification: 1950)

The Committee notes the report submitted by the Government as well as the discussions which took place in the Conference Committee in 1981. It also notes the observations submitted by the Netherlands Council of Employers' Federations, by the Federation of Christian Trade Unions in the Netherlands (CNV) and by the Confederation of the Netherlands Trade Union Movement (FNV).

In its previous comments the Committee noted that, for the past six years, the Government had repeatedly and almost uninterruptedly taken wage limitation measures which had the effect of restricting free collective bargaining which was one of the principal means at the disposal of workers' organisations to exercise their right to further the interests of their members and organise their activities (Articles 10 and 3 of the Convention).

It notes that new steps were taken in 1982 to limit again wage increases and that, according to workers' and employers' organisations, these steps were taken before the parties had had a chance to demonstrate their sense of responsibility or even to decide upon voluntary restraint.

In the Committee's opinion, repeated measures to determine unilaterally the rate of increase of wages restrict the right of workers to formulate their programmes and to organise their administration.

The Committee hopes that the Government will take its observations into account and requests it to indicate the steps taken or under consideration in this regard.

Nicaragua (ratification: 1967)

The Committee takes note of the discussion held in the Conference Committee in 1982, of the report of the Government and of the report of the Committee on Freedom of Association on Case No. 1133 respecting Nicaragua, which was approved by the Governing Body at its session in November 1982.

The Committee takes note of the statement by the Government representative in the Conference Committee to the effect, in particular, that, although under section 9(2) of the Code public officials are excluded from its scope, there is a trade union organisation that both public officials and public employees may join, and that in practice national unions are permitted, even if regulation 5(4) of the Regulations on trade union associations lays down the contrary.

In its earlier comments, the Committee noted that the following provisions are not applied: regulations 39 and 41 of the Regulations on trade union associations (which authorise the removal of members of trade union executives by administrative action, without appeal to the judiciary), regulations 10 and 31 (which provide for the representation of the labour administration at constituent meetings and general meetings of trade unions) and regulation 20 (which lays down the use that must be made of a certain percentage of trade union dues). The Committee also noted that the Department of Trade Union Associations applies regulation 23(b), (c) and (d) (giving the reasons for exclusion from trade union membership), provided that the situations in question are set forth in the rules of the trade unions and that the unions request this action.

The Committee considers that it would be desirable, in order to enable all concerned to be clearly aware of the trade union rights they enjoy, that the Government take measures for the adoption of legal provisions expressly repealing those in the Labour Code and the Regulations that, as the Government has stated, are not applied.

Furthermore, the Committee must again refer to the other comments that it has been making on the application of the Convention in respect of the following points:

- the right to organise of persons excluded from the scope of the Labour Code, that is, 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 requirement of an excessive number of members to set up a trade union in the undertaking, an absolute majority of the workers of the undertaking or workplace being required (section 189 of the Code), which conflicts with Article 2 of the Convention by preventing the setting up of more than one trade union in an undertaking where the workers so wish; the excessive limitation on the right to form inter-occupational trade unions (section 200(d));
- the requirement that only employed workers may hold trade union office (regulation 24) and the prohibition of the election of

members of the executive committee for more than two successive terms (regulation 35);

- the presentation of registers and other documents to the authorities at any time (regulation 36);
- the general prohibition of political activities by trade unions (section 204(b));
- the conditions and limitations imposed on the right to establish federations and confederations (regulations 43 and 62);
- the limitation of the number of delegates that trade unions may appoint to take part in the congress of a federation (regulation 52);
- restrictions on the right to strike (sections 225(30), 228(10) and 314 of the Code).

With regard to the right to strike, the Committee also notes the statement by the Government representative at the Conference to the effect that Decree No. 812 of 9 September 1981, which established prison sentences for those who encouraged, helped or took part in a strike, stoppage or occupation of workplaces, was repealed on 14 March 1982. The Committee observes, however, that Decrees Nos. 911 of 9 November 1981 and 955 of 4 February 1982 suspend the provisions concerning strikes and stoppages as long as the Act declaring a state of economic and social emergency remains in force and lay down a procedure for settling economic and social disputes on the initiative of the employer or the workers that leads to an arbitration award binding on the parties. The Committee considers that these restrictions on the right of workers' organisations to organise their activities could be justified only in exceptional circumstances and for a brief period.

The Committee considers that the legislation must be brought as soon as possible into conformity with the provisions of the Convention, either under the forthcoming reform of the Labour Code or by the adoption of legal provisions conforming to those of the Convention. The Committee asks the Government to keep it informed of any developments.¹

Nigeria (ratification: 1960)

The Committee notes the report submitted by the Government, as well as the information supplied to the Conference Committee in 1982.

The Committee notes that, according to the Government, the bill submitted by two Nigerian senators to amend the Trade Unions Act had not been adopted as it had run into difficulties, but that the Senate Committee on Labour intended to review all labour legislation adopted during the military regime.

The Committee hopes that the Senate Committee will take its previous observations into account.

The Committee in fact noted that Decree No. 22 of 1978, amending the Trade Unions Decree, 1973 (No. 31), imposes a single trade union

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

system, whereby the trade unions appearing on a list are automatically registered and affiliated to a central labour organisation specifically designated as the sole confederation, resulting in the deregistration of trade unions registered under the 1973 Decree and which do not appear on that list. In addition, the Committee noted that only one trade union may exist for each category of workers. While there may be an advantage in the unity of the trade union movement, the Committee considers that this grouping should be the spontaneous outcome of the free development of the trade unions and should not be imposed through legislation, in order to ensure to the workers the right to form organisations of their own choosing in conformity with Articles 2, 5 and 6 of the Convention.

Furthermore, the Committee recalls that the cancellation of the registration of trade unions by the 1978 Decree is equivalent to their dissolution by administrative authority, in violation of Article 4 of the Convention.

Pakistan (ratification: 1951)

The Committee takes note of the report submitted by the Government.

It notes that the martial law proclaimed on 16 October 1979 and which prohibits strikes is still in force.

It also notes that under section 4 of the Export Processing Zone (Control of Employment) Rules, workers in these zones are forbidden to strike.

In the opinion of the Committee, such a general prohibition of the right to strike is contrary to the right of workers' organisations to organise their activities (Article 3 of the Convention) and limits the scope of workers' organisations to further and defend the interests of their members (Article 10 of the Convention).

Furthermore, under sections 32(2) and 33(1) of the Industrial Relations Ordinance, the Committee notes that, under normal conditions, a strike which causes serious hardship to the community or which is prejudicial to the national interest or which takes place in public utility services may be prohibited.

In this regard the Committee points out that the prohibition or restriction of the right to strike should be limited to essential services, that is to say, services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee notes further that the Government has not replied to its comments relating to the financial supervision of trade unions by the Registrar. It recalls that in a previous report the Government had stated that this procedure was essential for ensuring the legitimate use of trade union funds in conformity with trade union rules. The Committee is however of the opinion that the provisions under section 8 of the Industrial Relations Regulations which empower the Registrar to order any document to be produced at any time restricts the right of trade unions to organise their administration and their activities (Article 3 of the Convention).

The Committee requests the Government to introduce the appropriate amendments on the points referred to above in order to ensure observance of the Convention.

In its previous observation, the Committee had requested the Government to communicate the texts which authorise government employees to form associations without restrictions. The Committee again requests the Government to transmit these texts.

The Committee notes that the position of civil servants above grade 16 is still under consideration. It again requests the Government to supply full information on developments in the situation.

Panama (ratification: 1958)

The Committee takes note of the information provided by the Government in its report.

In its previous observation the Committee took note of the preparation of a preliminary draft decree to provide for the extension to public employees of the provisions of Book III of the Labour Code governing collective agreements except those provisions relating to strikes and of a preliminary draft bill whose provisions were to eliminate the differences existing between the Labour Code and the Convention: the requirement of too high a number of members to establish a trade union (section 344), the prohibition from establishing more than one union in an undertaking (section 346), the automatic removal from office of a trade union officer in the event of dismissal (section 359), the wide powers of supervision of the administration over the records and accounts of trade unions (section 376(4)) and the requirement that 75 per cent of union members shall be Panamanian nationals (section 347).

The Committee notes the statement by the Government in its report to the effect that these preliminary drafts are under study by the authorities of the Ministry of Labour and Social Welfare. The Committee points out that it has been commenting for some years on the provisions referred to in the previous paragraph. It also recalls that the right to strike should be granted to all public employees who are not engaged in the administration of the State, in particular workers employed in public undertakings and autonomous public institutions which are not essential services in the strict sense of the term. The Committee therefore expresses the hope that the legislation will be brought into conformity with the Convention in the near future and asks the Government to keep it informed of developments in the situation.

Paraguay (ratification: 1962)

The Committee notes the information provided by the Government in its report.

The Committee notes in particular that labour disputes affecting manual and non-manual workers in public undertakings producing goods and providing services are settled through administrative channels, in accordance with section 2 of the Labour Code, or, subsequently, before the judiciary. The Committee observes that it seems from the statements of the Government that labour disputes affecting these categories of workers are submitted to a compulsory arbitration procedure that excludes the exercise of the right to strike. The Committee is bound to point out that, so far as the persons concerned do not work in essential services in the strict sense of the term (those whose interruption would endanger the life, personal safety or health of the whole or part of the population), they should enjoy the right to strike and not be brought under a system of compulsory arbitration.

In its previous comments the Committee observed that, although sections 347 and following of the Labour Code contain provisions concerning the right to strike, the Code of Labour Procedure renders these provisions inoperative by establishing a system of conciliation and arbitration leading to an award that is binding on the parties. This places a serious restriction on the right to strike and a considerable limitation on trade union activities, and so conflicts with Articles 3, 8 and 10 of the Convention.

The Committee observes that section 31 of Act No. 200/70 confines the activities of the associations of public officials to the pursuit of social and cultural aims. The Committee considers that associations of civil servants should also be able to further and defend the economic interests of their members.

The Committee once more requests the Government to take the necessary measures to bring the legislation into conformity with the Convention on the above-mentioned points.

Peru (ratification: 1960)

The Committee notes the information supplied by the Government in its report.

The Committee notes with satisfaction the adoption of Presidential Decrees Nos. 003-82-PCM and 026-82-JUS granting to public servants the right to form trade union organisations.

The Committee notes, however, that some of the provisions of these Decrees are not in conformity with the Convention, namely: the prohibition of the re-election of members of the Executive Committee immediately after they have terminated their mandate; the setting at an excessively high level of the minimum number of trade unions required to form federations and of federations required to form confederations; the provision prohibiting trade unions of public servants from affiliating with federations covering other categories of workers.

The Committee requests the Government to indicate if the above-mentioned Decrees also apply to other workers of the public sector, that is to say, to persons who work in public undertakings, autonomous public institutions, etc. and, if this is not the case, to indicate what are the provisions which guarantee their right to organise.

In its previous observation, the Committee took note of the fact that a Trade Union Bill was under preparation which would develop the provisions of the Constitution and would take into account the comments of the Committee so as to give full effect to the provisions of this Convention. The Committee recalls in this connection the other observations that it had made on the following points: the right of workers in welfare institutions, hospitals and similar establishments to organise themselves in trade unions; the right of workers to set up more than one union, if they so wish, in the same undertaking (Presidential Decree No. 021 of 1962); the recognition of the right of workers to elect as trade union representatives persons who are not employed in recognition of the undertaking in question (Presidential Decree No. 001 of 1963); the amendment of the provisions prohibiting trade unions from engaging in political activities within the framework of their institutions (section 6 of Presidential Decree No. 009 of 1961); 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 right of trade unions with different activities to form federations.

The Committee again trusts that the new trade union legislation will take into account the comments made by the Committee and ensure full application of the Convention. The Committee requests the Government to keep it informed of developments in the situation.

Philippines (ratification: 1953)

The Committee notes the information supplied by the Government to the Conference Committee in 1982 and in its report.

1. In its previous comments, the Committee noted the adoption of new provisions regarding strikes (Act No. 130 of 1981 amending certain sections of the Labor Code). It noted, however, that a certain number of restrictions were still imposed, some of which had already been the subject of comment in previous years (possibility of recourse to compulsory arbitration; too broad and non-limitative list of cases of labour disputes which could affect the national interest: sections 264 and 265 of the Code).

The Committee notes that, according to the Government, Act No. 130 of 1981 is the product of a national tripartite conference on labour relations law and policy and that powers conferred upon the Minister of Labor and Employment permitting him to submit a labour dispute to compulsory arbitration, if contrary to the national interest, provide for a smooth transition towards a more liberal exercise of the right to strike.

The Committee, however, notes with regret that the most recent provisions adopted on this point - namely Act No. 227 of 1982 and Regulation No. 815 of 1982 - add further restrictions to the right to strike. The Committee points out, in fact, that according to the provisions of section 264 of the Code, as amended in 1982, when the Minister of Labor and Employment is of the opinion that a labour dispute is causing or is likely to cause strikes adversely affecting the national interest he may assume jurisdiction over the dispute and decide it, or certify the same to the National Labor Relations Commission for compulsory arbitration. The Committee further notes that section 264 contains a very broad and non-limitative list of labour disputes in which a strike could affect the national interest, and it points out that Act No. 227 of 1982 has included among the services expressly mentioned in the list export-oriented industries including those within export-processing zones" and that under Regulation No. 815, the semi-conductor industry is declared as a vital industry. The Committee recalls that prohibition of strikes should be limited to essential services in the strict sense of the term, that is, those whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee considers that the above-mentioned provisions go well beyond this concept.

The Committee also noted that under section 264 the decision to declare a strike must be approved by at least two-thirds of the total union membership in the bargaining unit concerned, obtained by secret ballot. The Committee notes that, according to the Government, this provision was adopted to avoid wild-cat strikes or strikes called without the consent of the members of the trade union.

The Committee considers that the provisions of sections 264 and 265 of the Labor Code considerably restrict the right of workers'

organisations to organise their activities (Article 3 of the Convention) and possibilities open to trade unions to further and defend the interests of their members (Article 10). The Committee requests the Government to take the necessary measures to bring its legislation into conformity with the principles of the Convention in the light of the above-mentioned comments.

2. The Committee noted in its previous comment that a trade union may henceforth be registered if at least 30 per cent of the workers in a bargaining unit belong to it. The Committee considered that the requirement of a minimum percentage of members, in particular in the case of large undertakings, could constitute an obstacle to the right of workers to establish organisations of their own choosing in accordance with Article 2 of the Convention. The Committee notes the Government's explanations, in particular that such a percentage was maintained so as to avoid the proliferation of trade unions in a bargaining unit and the consequent weakening of the unions. The Committee considers that, when the legislation provides a criterion of minimum membership for the creation of an organisation, this criterion should be limited to a reasonable level so as not to hamper the establishment of organisations. It requests the Government to indicate any measures taken or under consideration to improve the legislation in this respect.

The Committee also recalled that its previous comments concerned section 237(a) which stipulates that, in order to obtain registration, a federation or national union must comprise at least ten trade unions of the same region and for the same branch, each of which is recognised as the collective bargaining agent in the establishment or industry in which it operates, and section 238 which precludes more than one federation or national union from being registered for any one branch of activity in any given area or region.

The Committee notes the information provided by the Government that there are now two cases pending before the Supreme Court contesting the constitutional validity of the "one-union-one-industry" concept. The Committee requests the Government to transmit a copy of the decisions of the Supreme Court.

3. The Committee noted that section 270 of the Labor Code precludes all aliens from engaging directly or indirectly in any form of trade union activity. It notes the Government's statement that the aim of the legislation is not to curtail the right to organise of foreigners working in the Philippines, but rather the right of non-employed foreigners to engage in trade union activities, which should rightfully rest with Filipino workers. The Committee requests the Government to indicate whether, in practice, foreigners working in the Philippines have been able to join workers' or employers' organisations. It reminds the Government that Article 2 of the Convention guarantees workers and employers without distinction whatsoever, the right to form organisations of their own choosing.

4. 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, according to the Government, this provision is more a reserve power and that, in practice, union books and documents are only examined upon the filing of a formal complaint by the workers and that the Government will only act on its own in cases of glaring instances of mismanagement. The Committee considers that, in view of the situation in practice, the

Government should have no difficulty in bringing the legislation into conformity with the practice as described.¹

Poland (ratification: 1957)

The Committee notes the discussion on the application of this Convention which took place at the Conference Committee in 1982 and the information supplied by the Government in its report. It also notes the conclusions reached by the Committee on Freedom of Association at its meetings in May and November 1982 and in February 1983 (217th, 221st and 225th Reports of the Committee approved by the Governing Body respectively at its 220th, 221st and 222nd Sessions). The Committee has also examined the new trade union legislation (the Trade Union Act and the Act on the socio-professional organisations of agriculturalists, both adopted on 8 October 1982).

The Committee notes that the Office had made comments on the draft law and that, as a result of these comments, the Parliament made certain changes to the original draft to take account of the comments made by the Office on the provisions relating to anti-union discrimination, minimum number of members of a trade union, the list of essential services and the duration of the transitional provisions concerning trade union unity at the factory level (which can now be reduced by the Council of State).

In spite of these encouraging developments, the Committee notes various important provisions which are not compatible with the rights recognised by the Convention. These are as follows:

Under section 12 of the Trade Union Act, prison officials do not have the right to organise. The Committee points out, in this connection, that the Convention applies to all workers without distinction of any kind, with the sole exception of the armed forces and the police.

A trade union monopoly is established in enterprises until 31 December 1984 (section 53(4) of the Trade Union Act) and the legislation imposes a single national federation of agriculturalists (section 33(2) of the Act concerning socio-professional organisations of agriculturalists). These provisions are contrary to the right of workers to establish organisations of their own choosing laid down in Article 2 of the Convention.

The consent of the majority of workers within an enterprise is needed to declare a strike (section 38 of the Trade Union Act) and the list of essential services where strikes are forbidden is, in the opinion of the Committee, too long (section 40). The Committee has also pointed out that, under the Act of 18 December 1982 (section 5(1)), the participation in strikes, protest action or meetings during the suspension period of martial law in violation of the legislation justifies the termination, without notice, of the employment relationship. The Committee considers that these provisions tend to restrict the right of trade unions to organise their administration and their activities (Article 3 of the Convention). It recalls that the prohibition of strikes should be limited to essential services in the strict sense of the term, that is, services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

The registration of existing trade unions has been annulled under the terms of section 52 of the Trade Union Act. The Committee points out that it is essential that any dissolution of an organisation should be pronounced by the judicial authorities which alone can guarantee the right of defence.

The branch trade unions and the federation and other inter-union organisations can only function until the beginning of 1984 and the beginning of 1985 respectively (section 53 of the Trade Union Act), contrary to Articles 5 and 6 of the Convention.

In addition, the Committee requests the Government to provide information with respect to the following provisions:

Under section 16 of the Trade Union Act, the principles governing the representation of workers of state services, the judiciary, the public prosecutor's office, the state economic arbitration, the state inspection services and the national labour inspection will be defined by separate provisions. The Committee requests the Government to supply information on any provisions which might be adopted with regard to public servants to whom section 16 of the Act applies.

Under section 37(1) of the Trade Union Act, strikes are aimed at defending the social and economic interests of one given group of workers. The Committee would be grateful if the Government would provide details on the scope of this text, in particular as regards the possibility of organisations to call protest strikes against individual measures or movements where these extend beyond an establishment, occupation or branch of activity.

Under section 54 of the Trade Union Act, the assets of the former organisations are temporarily placed under the control of a provisional body to be set up by order of the Council of Ministers. The Committee requests the Government to supply information on developments as regards the transfer of these assets.

The Committee finally requests the Government to define the term "unions and inter-union organisations" appearing in section 20 of the Trade Union Act, and in particular to indicate whether this term covers federations set up on a geographical basis.

The Committee is addressing a request directly to the Government on the questions of the imposition of penal sanctions on leaders of illegal strikes.¹

Romania (ratification: 1957)

The Committee takes note of the information provided by the Government and of the statements made by the Government representative to the Conference Committee in 1981. It has also examined the report of the Committee on Freedom of Association concerning Case No. 1066, approved by the Governing Body at its 221st Session in November 1982.

With reference to Act No. 52, which was mentioned by the Government representative, the Committee notes that under section 2 all natural persons working in the same occupation or in similar or related occupations are entitled to associate freely in occupational

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

associations without any need of previous authorisation. It also notes the statement by the Government to the effect that the trade union of a given unit (undertaking, establishment, institution, etc.) operates in accordance with its own rules and not those of the union for a given branch of activity or of the General Trade Union Confederation, and also that each union for a given branch of activity operates in accordance with its own rules and not those of the General Trade Union Confederation.

The Committee points out, however, that section 164 of the Labour Code declares that the unions are occupational organisations set up in virtue of the right of association laid down in the Constitution and operating on the basis of the by-laws of the General Confederation of Trade Unions, the federations for the different branches of activity and the trade union organisations in the units.

In the opinion of the Committee, this provision does not seem to allow a trade union to draw up its own rules in full independence of the General Confederation of Trade Unions. As worded, it seems to compel the first-level union to draw up its rules in conformity with those worked out by the General Confederation. The Committee asks the Government to amend its legislation so as to recognise clearly to workers the right to draw up their rules in full freedom and to exercise their activities in accordance with Article 3 of the Convention.

Replying to the comments on the links between the Party and the trade unions, the Government refers to Article 3, paragraph 2, of the Convention, which concerns not interference by political parties in the internal organisation of trade unions but that of the public authorities. The Committee also notes the statement by the Government representative that the trade unions are subject to no external interference. The Committee, however, points out that section 26 of the Constitution seems to establish a close link between the Party and the trade unions. It also points out that, under section 165 of the Labour Code, the trade unions must mobilise the masses for the accomplishment of the programme of the Party and implement the policy of the Party. The Committee considers that these provisions restrict the rights of workers to establish organisations of their own choosing (Article 2 of the Convention) and to formulate their programmes (Article 3 of the Convention). The Committee also wishes to point out that the law of the land shall not be such as to impair or be so applied as to impair the guarantees provided for in the Convention (Article 8 of the Convention). It hopes that the Government will introduce suitable amendments, bearing in mind its comments on the above-mentioned legal texts, comments taken over by the Committee on Freedom of Association during its examination of Case No. 1066.

The Committee also asks the Government to provide information on any development in the preparation of the new trade union legislation referred to in earlier reports.¹

Swaziland (ratification: 1978)

With reference to its previous comments, the Committee notes with satisfaction that, following the coming into force of the Industrial Relations Act on 1 July 1982, a number of provisions conflicting with the Convention have been repealed or amended. The new Act eliminates

¹ The Government is asked to report in detail for the period ending 30 June 1983.

the excessive powers accorded to the Registrar of Trade Unions, particularly in respect of the cancellation of registration, the inspection of books and accounts and the approval of the affiliation of a registered trade union with a federation.

The Committee is nevertheless addressing a direct request concerning certain other provisions of the new Act that run counter to the application of the Convention.

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 notes the information supplied by the Government both in its report and to the Conference Committee in 1981. In particular, the Committee notes that a draft Labour Code has been prepared and was submitted to the competent authority in January 1981 and that it takes account of the observations of the Committee.

The Committee points out that the comments it has been repeating for many years on the legislation now in force relate to the following:

1. With regard to Legislative Decree No. 84 of 1968 (on trade union organisation), the following provisions are not in conformity with the Convention: sections 2 and 7, which impose by law a unified trade union structure; sections 25, 32, 35 and 44, which restrict the trade union rights of foreigners and the administration and management of trade unions in full freedom; sections 2 and 8, which lay down a minimum of 50 workers for the establishment of a trade union organisation; sections 32 and 36 concerning the deposit and the allotment of trade union funds; section 49(c), under which the General Federation may dissolve the executive council of any union on various grounds.

2. Some of the points raised in the previous paragraph have also been raised by the Committee in connection with Legislative Decree No. 250 concerning 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; and section 12, which lays down the manner of financing federations.

3. With regard 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 points out that the prohibition of strikes, whether direct or indirect, is liable to restrict considerably the possibilities of trade union action, which is contrary to Articles 3 and 8 of the Convention. The Committee hopes that the amendments to the legislation announced by the Government in this connection will be adopted in the near future.

4. The Committee had taken 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 repeats its request to the Government to supply information on the nature and role of the peasant co-operative associations that can be set up by agricultural workers, by peasants working the land with the help only of members of their family and by landowners whose holdings do not exceed a prescribed area.

The Committee hopes that the Labour Code mentioned by the

Government will be adopted in the very near future and that it will be in conformity with the Convention and asks the Government to provide information on any development in this connection.

Trinidad and Tobago (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:

With reference to its previous observations, the Committee notes the information in the last report of the Government to the effect that Parliament has agreed to the amendment of all the Acts whose provisions were considered to conflict with those of Convention No. 87. The Government has stated that the drafting of the amendments to the Education Act has already begun.

The comments of the Committee concerned trade union rights in the civil service and related in particular to certain provisions that were incompatible with Articles 2 and 3 of the Convention, namely: section 24 of the Civil Service Act 1965; section 72 of the Education Act 1966; section 26 of the Prison Service Act 1965; and section 28 of the Fire Service Act 1965. Under section 24 of the Civil Service Act 1965 (similar provisions existing in the other Acts), for the purposes of recognition by the Minister, an association being formed or an existing association may not be representative of any class or classes of civil servants already represented by an appropriate recognised association and may not admit to its membership a civil servant who is a member of an appropriate recognised association. It seemed that, where a class of civil servants was already represented by an association, civil servants of this class might form or join other associations, but that these associations would not have any right to represent their members.

The Committee notes with interest that an Act to amend the Education Act was adopted on 21 April 1981 and that it takes account in part of the observations of the Committee (Act No. 1 of 1981).

The Committee is addressing an observation to the Government concerning certain aspects of this Act under Convention No. 98.

The Committee trusts that the other necessary amendments to the legislation will be adopted in the near future and requests the Government to continue to supply information on the adoption of these amendments.

Ukrainian SSR (ratification: 1956)

The Committee notes the information communicated by the Government in its latest 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)

The Committee takes note of the information supplied by the Government to the Conference Committee in 1982 as well as in its last report.

The right of workers to establish organisations of their own choosing

The Committee had noted that the provisions of the Labour Code of the RSFSR, 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. The Committee again points out that by bestowing trade union functions solely on the trade union committee concerned, the above-mentioned provisions seem to preclude the possibility of setting up another organisation representing workers of the same category.

The Committee notes that, according to the Government, trade union pluralism is not necessary in Soviet society and that it would constitute an anachronism in the existing national setting. It also notes that, according to the Government, sections 7 and 230 of the Labour Code of the RSFSR mentioned above do not concern the question of the free choice of trade unions.

The Committee considers however that the workers must be able to set up organisations outside the established trade union structure; it considers that the provisions at present in force are liable to impair the free establishment of workers' organisations and it again requests the Government to provide information on any measures which may be taken with a view to recognising clearly the right of workers to establish the organisations of their own choosing.

The role of the Communist Party in the trade unions

The Committee had noted in its previous comments 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 "social organisations", a term which also covers workers' organisations. The Committee had considered that the law would thus establish a link between the Communist Party and these organisations, in which the leading role would be assigned by law and permanently to the Party.

The Committee notes the information provided by the Government, particularly with regard to the discussions that took place at the 17th Trade Union Congress concerning the development of the "co-operation" and of the "collaboration" between the Party and the trade unions. It also notes that, according to the Government, the Communist Party is not imposed on the trade unions, although the leading role of the Party is recognised by the Constitution.

The Committee considers however that the Constitution of the USSR imposes a link between the Communist Party and the workers' organisations as a whole, and thus tends to restrict the right of the trade unions to organise their activities and to formulate their programmes, as provided for in Article 3 of the Convention. The Committee also recalls that under the terms of Article 8, paragraph 2, national legislation shall not impair the guarantees provided for in 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 had noted the statement of the Government representative that the Committee would be informed of any new developments which took place in these fields. It requests the Government to provide full particulars in this regard.

Uruguay (ratification: 1954)

The Committee takes note of the statement by the Government representative to the Conference Committee in 1982 and of the information provided by the Government in its report.

The Committee observes from this report that workers belonging to different undertakings cannot directly set up first-level occupational associations except where the undertakings employ fewer than 15 workers (section 6, first paragraph, of the Act respecting occupational associations) or where there are workers belonging to the same type of activity although they do not belong to one single undertaking, for example, homeworkers, workers in small workshops or commercial travellers (section 36(c) of the Decree issued under the Act). The Committee is bound to point out that this restriction is contrary to Article 2 of the Convention, which lays down that workers "shall have the right to establish ... organisations of their own choosing", including, therefore, the organisations by industry that the workers may wish to form.

The Committee also notes that the period within which the Ministry of Labour and Social Security must register an occupational association is subject to the general rules of administrative procedure, more precisely to sections 64 and 65 of Decree No. 640/973 of 8 August 1973. The Committee observes that, under these provisions, the workers' organisations may be subjected to a waiting period of up to seven months before they can begin to function. The Committee considers it desirable for the trade union legislation to prescribe a special period as short as possible within which the Ministry of Labour and Social Security must register occupational associations.

The Committee also notes from the report of the Government that all persons who work for the State are considered to be public servants and that their right of association is provided for by section 27 of Legislative Decree No. 10388 of 13 February 1943 (Conditions of Service of Public Servants).

With regard to the right to strike, the Committee notes that the national authorities are studying a preliminary draft worked out by a group of experts to govern the exercise of this right. The Committee again expresses the hope that the text to govern the right to strike will be adopted as soon as possible and that it will not contain provisions conflicting with the Convention.

With regard to section 12(b) of the Decree, which denies to occupational associations the right to represent their members for occupational purposes before the courts, the Committee notes that, under the Code of Civil Procedure, a representative before the courts must have the qualification of solicitor or barrister. The Committee asks the Government to state whether, irrespective of the fact that the legislation on court procedure calls for the presence of a solicitor or barrister to conduct a case, an occupational association may, with instructions from a member or members, defend their interests in labour cases as a party to the proceedings or through some other court machinery.

With regard to the other provisions that were the subject of the previous observation, the Committee, although it takes note of the

statements in the report of the Government, considers that it must repeat its comments. The Committee observed that the Act respecting occupational associations and the Decree issued under it contain certain provisions conflicting with the Convention, including the following requirements: for election to office, a person must be involved in the activity concerned as a worker or an employer (sections 4, 5, 8 and 9 of the Act and sections 38, 39 and 46(c) of the Decree), must have been a member of the association concerned for at least two years in certain cases (sections 5(c) and 9(a) of the Act and sections 39(c) and 47 of the Decree), must not have held executive office in an organisation declared unlawful and must not have been disqualified from election to office under the Constitution (sections 39(d) and 46(e) of the Decree); a certain interval must elapse before a person can be eligible for re-election as a member of the executive of the association (section 19 of the Decree). Certain requirements concerning membership of second-level and third-level occupational organisations and international organisations and the election and composition of the executives of second-level and third-level organisations are also in conflict with the Convention (sections 22 to 27 of the Decree).

The Committee trusts, in view of the above considerations, that the Government will shortly take the necessary measures to give full effect to the Convention and asks to be informed of all developments in this connection.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Barbados, United Republic of Cameroon, Canada, Central African Republic, Colombia, Comoros, Costa Rica, Cyprus, Djibouti, Ethiopia, Gabon, German Democratic Republic, Greece, Guinea, Guyana, Haiti, Honduras, Ivory Coast, Kuwait, Lesotho, Madagascar, Mali, Malta, Mexico, Netherlands, Nigeria, Norway, Pakistan, Poland, Portugal, Romania, Saint Lucia, Senegal, Seychelles, Spain, Swaziland, Trinidad and Tobago, Tunisia, USSR, Upper Volta, Yemen.

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1952)

Article 3 of the Convention. The Committee notes the Government's indication in its report that the number of employment offices functioning in Buenos Aires Province has decreased from 29 to 16 in the period covered by the report. It would be grateful if the Government would indicate in its next report the reasons for this decrease and the extent to which this reduced number of employment offices is sufficient to serve the area concerned.

Articles 4 and 5. In its previous observation, the Committee noted that an Employment Service Bill was intended to make provision for advisory committees on the employment service which would include representatives of employers and workers. It has noted the information communicated to the Conference Committee in 1981 to the effect that the

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

consultation machinery required by these Articles would be put into practice as soon as the structures of the occupational associations were set up, and that the Bill in question would be given positive status for this purpose. It hopes that in its next report the Government will be able to supply information on the progress made to this effect.

Dominican Republic (ratification: 1953)

1. Further to its previous observations, the Committee notes that there has been a restructuring of the Employment Service, which now covers the General Directorate of Employment and Human Resources, which has drawn up a "national dictionary of occupations" with the assistance of the ILO. The Government states that consequent upon the restructuring, the General Directorate has widened its activities to cover all the main cities, having opened employment offices in the provinces of Santiago, La Romana and San Pedro de Macoris; new "human resources standards" are in use, and an intense publicity campaign has ensued. The Government also states that the personnel of the new offices is adequately trained. The Committee notes these developments with interest and hopes that the Government will continue to supply information on further progress made in this respect.

2. As regards Articles 4 and 5 of the Convention, the Committee notes the Government's statement that the Secretariat of State for Labour is making studies with a view to the creation of an advisory committee for the employment service including representation of employers and workers, and that information on any progress will be communicated. The Committee can only reiterate the importance attached to the institution of one or more such committees to advise on the employment service and express the hope that some early progress will be made in this respect.

3. The Committee has noted the provisions in the draft labour code at present before the National Congress concerning the employment service and its functions; it understands that the Government has requested and obtained the advice of the International Labour Office on this matter, and it hopes the Government will provide full information on any further developments resulting, with a view to improving the implementation of various provisions of the Convention, such as Article 6, paragraphs (c) and (e) (concerning the functions of the employment service); Article 7 (measures to facilitate specialisation within employment offices and to meet the needs of categories such as the disabled); and Article 11 (effective co-operation with private employment agencies not conducted with a view to profit).¹

Guatemala (ratification: 1952)

The Committee has noted the Government's replies to its previous comments and in particular the information relating to Article 11 of the Convention.

1. Articles 4 and 5. The Government has indicated that the Ministry of Labour issued instructions for preparation of the names of employers' and workers' organisations which should appoint representatives after the necessary consultations, in order that an advisory committee on the employment service might be reconstituted, as -----

¹ The Government is asked to report in detail for the period ending 30 June 1983.

required by the Convention, by January 1982. The Committee trusts that the necessary arrangements have now been made, and that the next report will include full details of the composition of the Committee and of its functions and meetings.

2. Articles 6, paragraphs (c) and (d), 7, 8 and 10. The Committee has noted the Government's statements that the provisions of these Articles are complied with. It also notes that the Planning and Labour Statistics Department has been preparing statistics on the matters covered by the Convention, and these are to be communicated to the International Labour Office. The Committee looks forward to receipt of these statistics as well as other detailed practical information on the measures taken which will enable it to make a better appreciation of the application of each of these Articles.

India (ratification: 1959)

1. The Committee refers to its previous observations and direct requests. It has taken due note of the further information communicated by the Government in its report, and in particular it welcomes the Report of the Committee on the National Employment Service (the "Mathew Report") published in November 1978, which examined many questions in detail and made a series of recommendations. The Committee notes that the Government has accepted 41 of the 56 recommendations, rejected 2, and has 13 still under consideration; the recommendations accepted have been communicated to the state governments for further action. The Committee hopes the Government will indicate precisely on which of the recommendations action is to be taken.

2. The Committee notes that the Government's declared strategy is for decentralisation of manpower planning and employment generation, whilst the Mathew Report has expressed apprehension that the Central Government has lost all means of effectively influencing the policies and working of employment exchanges in the various States. The Committee would emphasise in this connection that under Article 2 of the Convention the employment service should consist of a national system of employment offices under the direction of a national authority. It would be grateful if the Government would indicate whether any steps have been taken or are envisaged following the Mathew Report's recommendation that a Department of Manpower and Planning with a Manpower Service Commission responsible to the national authorities should be created. The Committee hopes the Government will continue to supply full information on these questions and other matters it is raising in a direct request.

3. The Committee notes the comments of the Employers' Federation of India (EFI), to the effect that certain recommendations made in a note of dissent appended to the Report of the Mathew Committee run counter to the spirit of Article 10 of the Convention, which lays emphasis, according to the EFI, on the concept of voluntarism in making use of employment exchanges. The Government considers that the reservation of jobs for certain disadvantaged sections of society, such as Scheduled Castes, Scheduled Tribes, or the physically handicapped, is not precluded by the principle of encouraging full use of employment services on a voluntary basis. It also indicates that the EFI had the opportunity to participate in discussion of the question of compulsory recruitment through the employment exchanges for certain posts in the public and the private sectors. The Committee recalls that Article 10 requires the employment service and other public authorities where appropriate to co-operate with employers and workers and other interested organisations with a

view to encouraging full use of the employment services on a voluntary basis. It notes the Government's statement that the utilisation of the employment service by the private sector has not been encouraging, with which view the Mathew Report would appear to agree. The Committee hopes the Government will continue to describe steps taken to encourage use of the employment service in the light of Article 10 of the Convention. In particular, it would be grateful if the Government would clarify the extent to which compulsory recruitment through the employment exchanges may have been instituted.

New Zealand (ratification: 1949)

The Committee notes with interest the detailed information supplied by the Government in its report. It also notes the comments of the New Zealand Federation of Labour (NZFL).

The NZFL states in connection with Article 6 of the Convention that the registration procedures in the Department of Labour do not cater for workers desiring part-time employment - especially women - and do not record the ethnic group of the jobseeker, either; in relation to Article 7, it states that many of the administrative procedures and policies in fact make it more difficult for the needs of particular categories of applicants for employment - such as Maoris, other Polynesians, part-time jobseekers and women - to be met; in relation to Article 8, the NZFL draws attention to certain aspects of the Government's training and employment policy in respect of young people. In its report, the Government provides details of various aspects of the application of these Articles of the Convention, although it does not deal with the specific comments of the NZFL.

The Committee notes that the general bearing of the comments of the NZFL is, apart from the points mentioned above in connection with the present Convention, more directly oriented towards the implementation of the Employment Policy Convention, 1964 (No. 122), which has also been ratified by New Zealand. It therefore requests the Government to refer to its comments on that Convention. At the same time, the Committee recalls that the duties of the employment service under the present Convention include registering applicants for employment and giving appropriate assistance for obtaining vocational guidance or training (Article 6(a)(i)); collecting and analysing the fullest available information on the employment market situation (Article 6(c)); meeting adequately the needs of particular categories of applicants for employment, such as disabled persons, juveniles, and women (Article 7 of the Convention and Recommendation No. 83, Parts I and II); and initiating and developing special arrangements for juveniles within the framework of the employment and vocational guidance services (Article 8). The Committee has taken careful note of the information given by the Government as to the measures already taken under these heads. It would be grateful if the Government would provide further explanations on the points raised by the NZFL, and provide more detailed statistics in conformity with point IV of the report form.¹

Sierra Leone (ratification: 1961)

1. The Committee notes from the reply of the Government to its earlier comments that the draft Employment Service Regulations are

¹ The Government is asked to report in detail for the period ending 30 June 1984.

still under study by the Law Officer's Department and that the delay in their adoption has been caused by heavy administrative matters.

2. The Committee points out that the Government has been referring for some years to the adoption of these draft Regulations and certain amendments to the Employers and Employed Act (prepared with the technical assistance of the ILO). It hopes that the new legislation will be adopted very shortly and that it will make possible: (a) the setting up of national, regional and local advisory committees ensuring the participation of employers' and workers' representatives in equal numbers in the organisation and operation of the employment service and in the development of the general policy of this service, in accordance with Articles 4 and 5 of the Convention and (b) the determination of the functions of the employment service in accordance with Article 6 of the Convention.

3. The Committee further hopes that the enactment of the new legislation on the employment service will make it possible to reorganise and extend the network of local employment offices in accordance with the statement in the report of the Government.

Zaire (ratification: 1969)

1. Article 3 of the Convention. In its earlier comments, the Committee noted that the Government was planning to open further local employment offices and that it needed the technical assistance of the ILO to train the necessary staff, and to organise the statistical service.

The Committee understands - on the basis of the information received in this connection - that it has been impossible to put the plan into effect owing to lack of funds and that no progress has therefore been made in this field. The Committee notes, however, that under Ordinance No. 80/105 of 1980 the National Employment Service has been raised to the level of a Directorate of Employment and Vocational Training. It therefore hopes that the Government will not fail to give the above-mentioned project the necessary priority so that funds may be released for technical assistance with a view to establishing and developing a network of local and possibly regional employment offices, in accordance with this basic provision of the Convention.

2. Articles 4 and 5. In reply to the comments of the Committee, the Government states that during the period covered by the report there have been no consultations in the National Labour Council on the organisation and working of the employment service. It provides no information on the nine regional employment advisory committees that had been set up but were not fully operational. The Committee points out that, under the above-mentioned Articles of the Convention, arrangements must be made to provide for one or more advisory committees for the co-operation of representatives of employers and workers - appointed in equal numbers - in the organisation and operation of the employment service and in the development of its policy. The Committee trusts that such consultations will take place in the future and that the Government will be able to refer to them in its reports.

3. Practical application. The Committee also asks the Government to provide information on the application of the Convention

in practice, as called for by the report form adopted by the Governing Body of the ILO.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Central African Republic, Colombia, Cuba, Guinea-Bissau, India, Mozambique, Panama, Portugal, Sweden, Syrian Arab Republic, Thailand, Turkey.

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

Italy (ratification: 1952)

In its earlier comments the Committee has noted that Act No. 903/77 on equal treatment between men and women in employment contains provisions that are not in conformance with the Convention. Section 5 of this Act prohibits the employment of women in manufacturing industry between midnight and 6 a.m. and further provides that this prohibition may be applied differently or removed by collective agreement, including those concluded at enterprise level, while the Convention requires that night work by women shall be prohibited for at least 11 consecutive hours.

In its reply the Government refers to the evolution taking place as regards equality between workers of both sexes, in the legislation of many countries as well as in the instruments adopted recently by the ILO, and states its intention to examine whether conditions exist for a revision of the Convention or its denunciation if the revision should not prove practicable.

The Committee takes due note of this information. It requests the Government to indicate in future reports any further developments and action taken in this matter.

*
* * *

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

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

Burundi (ratification: 1971)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Ordinance No. 630/I of 5 January 1981 to lay down rules for the work of young persons, sections 2(a) and 9 of which prohibit the night work of young persons under 18 years of age, in accordance with the provisions of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Guinea (ratification: 1966)

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts that took place between the competent national services and a representative of the Director-General of the ILO in 1981, Order No. 2263/MT of 9 April 1982 respecting the work of women and children has been adopted and that sections 3 and 4 of this Order, which concern the night work and rest of young persons, provide for a rest period of at least 12 consecutive hours, in accordance with Article 2 of the Convention.

*
* *

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

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

A request regarding certain points is being addressed directly to Guinea-Bissau.

Convention No. 92: Accommodation of Crews (Revised), 1949

Requests regarding certain points are being addressed directly to the following States: Guinea-Bissau, Iraq, Liberia.

Convention No. 94: Labour Clauses (Public Contracts), 1949Burundi (ratification: 1963)

The Committee recalls that a draft decree intended for the application of the Convention has not yet been promulgated. It trusts that the necessary measures will be taken in the very near future to apply the Convention. The Committee hopes that the Government will be able to indicate, in its next report, that progress has been made to ensure the full application of the Convention, and will supply all the relevant texts.¹

United Republic of Cameroon (ratification: 1962)

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

The Committee notes that the amendments to the legislation necessary to provide for the application of Article 1, paragraph 1(c) (i) and (ii), have not yet been made, though the Government

¹ The Government is asked to report in detail for the period ending 30 June 1983.

has been promising to make them since 1971. The Committee hopes that in its next report the Government will be able to indicate that the necessary measures have been taken to apply the Convention to the types of public contracts covered by these provisions.

Central African Republic (ratification: 1964)

The Committee notes that the Government intends to supplement the Decrees Nos. 61/135 and 61/137 of 19 August 1961 relating to public contracts for the supply of materials and services, in accordance with the suggestions made in the Committee's previous comments. The Committee trusts that the new legislation will be adopted shortly and will provide that clauses be inserted in the public contracts covered by these Decrees, requiring that the wages paid under public contracts be no less favourable than the wages established for work of the same character in the trade or industry concerned.

The Committee hopes that the Government will be able to indicate in its next report the progress made in this regard. It also asks the Government to supply a copy of any provisions adopted, as well as copies of the collective agreements currently in force in the building sector or covering the supply of materials and services, if such collective agreements exist.

Egypt (ratification: 1960)

The Committee notes from the last report that the Government again indicates that all public contracts are subject to the provisions of the Labour Code.

The Committee recalls, as it has done for many years, that this is not sufficient to ensure the application of the Convention, as its basic requirement (Article 2) is that clauses be inserted in public contracts of the types referred to in Article 1(1)(c) to ensure 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 concerned may be determined by reference to collective agreements, arbitration awards or national legislation and regulations. The Committee therefore hopes that the Government will take the necessary measures, to which it has referred in the past, to bring its legislation into conformity with the Convention.¹

Ghana (ratification: 1961)

The Committee notes from the report that the Government intends to take into account the Committee's previous comments, in codifying the national legislation in a two-year programme starting from January 1983. The Committee trusts that the measures necessary to apply the Convention will be adopted in the near future. It recalls that its previous comments have dealt with the following Articles:

Article 2 of the Convention. As indicated previously, the Committee hopes that the Government will take measures to include

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

labour clauses in public contracts ensuring to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade, industry or area concerned. The Committee trusts that the employers' and workers' organisations concerned will be consulted on the terms of the clauses.

Article 5. The Committee hopes that effect will also be given to the provisions 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 with regret that despite the discussion which took place at the Conference Committee in 1982 the Government has not supplied the information requested in previous comments.

It must therefore recall that the Committee has asked the Government to comment on the Resolution adopted on 17 September 1981 for the application of this Convention. The Resolution states that the conditions of work provided for in public contracts shall not be less favourable than those established in the trade, industry or district concerned. However, it does not stipulate that these conditions should be based either on collective agreements, arbitration awards or national law and regulations as required by Article 2 of the Convention, nor does it expressly require the labour clauses to be inserted in all public contracts.

The Committee has therefore requested the Government to clarify in its next report the points not covered by the Resolution, and to supply a copy of the labour clauses to be inserted in public contracts as well as examples of contracts containing such clauses.

The Committee would appreciate it if the Government would also indicate what measures have been taken or are under consideration to give effect to Article 2(3) (consultation with the employers' and workers' organisations concerned on the terms of the clauses), Article 2(4) (ensuring that persons tendering for public contracts are aware of the terms of the labour clauses) and Article 4(a)(i) (bringing the laws, regulations or other instrument giving effect to the provisions of the Convention to the notice of all persons concerned).¹

Guinea (ratification: 1966)

Further to its previous observation, the Committee notes with interest the Government's intention to bring its legislation into full conformity with the Convention following the direct contacts which took place in 1981. The Committee hopes that the necessary measures will be adopted at an early date and that they will ensure the insertion of labour clauses in all public contracts covered by Article 1(1)(c) of the Convention.²

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

² The Government is asked to report in detail for the period ending 30 June 1984.

Mauritania (ratification: 1963)

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

The Committee notes with interest the information communicated in the Government's report, in particular the adoption of Decree No. 80.182/PG concerning public contracts. It notes that sections 50 and 95 of this Decree provide for the insertion in public contracts of labour clauses. Please indicate how the conditions of work to be granted to workers under this Decree are determined (apart from cases in which collective agreements are applicable); how the application of this requirement to subcontractors and assignees is assured; and what measures ensure that the parties concerned are notified of the requirements of such clauses.

The Committee recalls that in its 1979 report the Government communicated the text of a draft decree which would have ensured the application in law of the Convention. The Government is requested to indicate whether this decree has been adopted.

Mauritius (ratification: 1969)

The Committee notes from the reply of the Government to its earlier observation that measures are being considered to amend the Labour Act, 1975, in such a way as to provide for the Convention's application.

It hopes that appropriate measures will be taken in the near future to give effect to the Convention and that the Government will indicate in its next report the action taken or envisaged.

Morocco (ratification: 1958)

The Committee notes with satisfaction the issuance of Circular No. 75/IGSA of 22 January 1982 as an interim measure to extend the General Specifications, approved by Royal Decree of 18 June 1966, to public contracts for services and for the supply of materials. It also notes that the draft legislation which will provide for the insertion of labour clauses in all public contracts is still under consideration. The Committee therefore hopes that the legislation referred to will be adopted soon to give more definitive effect to the Convention.

Panama (ratification: 1971)

The Committee notes from the last report that the Government is considering action to give effect to the Convention. The Committee therefore requests the Government to indicate in its next report what measures have been taken or are envisaged to bring the national legislation into conformity with the Convention.

The Government again indicates that all work performed under public contracts is subject either to generally applicable labour legislation or to collective agreements. The Committee recalls that such methods are not sufficient to ensure the application of the Convention in all cases, as its basic requirement (Article 2) is that clauses be inserted in all public contracts of the types referred to in Article 1(1)(c) to ensure 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 may be determined by reference to collective agreements, arbitration awards or national legislation. These clauses are to be drawn up after consultation with the organisations of employers and workers concerned. The Committee hopes that the necessary measures giving effect to these and the remaining Articles of the Convention will be taken in the near future.

The Committee again requests the Government to communicate the standard forms of agreement used for all the sorts of public contracts covered by the Convention.¹

Philippines (ratification: 1953)

The Committee notes with satisfaction the adoption on 16 February 1983 of a Ministry Order assuring the application in law of Articles 1 and 2 of the Convention, which were the subject of earlier comments. The Committee is also raising a certain number of points in a direct request.

Rwanda (ratification: 1962)

The Committee notes with interest that draft regulations and a standard contract for tender for public contracts, which were prepared to give effect to the Convention, have been examined by an inter-ministerial committee and will be adopted soon. The Committee hopes that the new legislation will be adopted very shortly and will ensure the full application of the Convention. It asks the Government to indicate any progress made and to supply copies of any texts which may have been adopted.¹

Uruguay (ratification: 1954)

The Committee notes with satisfaction the adoption of Decree No. 114/982 of 24 March 1982 for the application of the Convention. It hopes that the Government will provide the additional information indicated in the request being addressed directly to it.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bahamas, Brazil, Costa Rica, Djibouti, Jamaica, Philippines, Somalia, Suriname, Syrian Arab Republic, Turkey, Uganda, Uruguay, Zaire.

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957)

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

¹ The Government is asked to report in detail for the period ending 30 June 1983.

The Committee notes the Government's statement 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.

Austria (ratification: 1951)

The Committee notes the comments made by the Austrian Congress of Chambers of Labour (communicated through the Government's report) that a Guaranteed Remuneration Act should be adopted soon to codify the provisions applying the Convention. It also notes the comment made by the Congress that the supply of written particulars of wages that are subject to change at the time of each payment (Article 14(b) of the Convention), which is now only provided for in a number of collective agreements, should be made a requirement by legislation.

With reference to its previous comments, the Committee would appreciate further information on the progress made towards the adoption of the Guaranteed Remuneration Bill. It would also be grateful if the Government would provide all appropriate information on the manner in which effect is given to Article 14(b) of the Convention in legislation and in practice.

Costa Rica (ratification: 1960)

Article 3, paragraph 1, of the Convention. With reference to its earlier comments concerning the necessity of revising section 165 of the Labour Code, which provides that harvest workers on coffee plantations may receive coupons instead of legal tender, the Committee notes the statement in the report of the Government to the effect that its comments have been communicated to the Legal Affairs Committee of the Legislative Assembly. The Committee once more expresses the hope that section 165 will be revised in order to give effect to this provision of the Convention.

Dominican Republic (ratification: 1972)

With reference to its earlier comments concerning the payment of the wages of migrant workers in the sugar-cane industry the Committee recalls that the question is under examination by the Commission of Inquiry appointed by the Governing Body of the ILO in accordance with article 26 of the Constitution of the Organisation. The Committee will therefore make no further comments until the Commission of Inquiry has completed its work.

Egypt (ratification: 1960)

Article 2 of the Convention. Further to its previous comments, the Committee notes with satisfaction that provisions concerning the protection of wages in the new Labour Code of 1981 extend also to casual workers.

Article 4. The Committee notes that while the definition of "wage" in the law includes payments in kind, there is no provision to regulate such payments in conformity with the requirements of this Article. It again expresses the hope that the necessary provisions will be adopted.

Greece (ratification: 1955)

Articles 4 and 7, paragraph 2, of the Convention. With reference to its previous observations, the Committee notes the Government's statement in its report that the latter is considering the preparation of a Bill to bring the relevant legislation into conformity with the above provisions of the Convention relating to the payment of wages in kind and to prices in stores or services established by the employer. It hopes that the necessary measures will be taken in the very near future.

Guatemala (ratification: 1952)

Further to its previous comments concerning the question of payment of wages to workers in rural areas, and its request for information on measures to ensure compliance in practice with the relevant legislation, the Committee notes that the inspection report and statistics communicated with the Government's report do not include particulars concerning the payment of wages. It again requests the Government to provide this information, as called for in Point V of the Report Form.

Libyan Arab Jamahiriya (ratification: 1962)

Articles 2, 4, 7 and 8, paragraph 1, of the Convention. The Committee notes that the Government's report has not been received. It refers to the statement made by a Government representative to the Conference Committee in 1982 that Act No. 15 of 1981 on wages covers all wage earners, including those in agriculture and that there is no deduction for payments in kind. The Committee requests the Government to communicate the text of the relevant legislation with its next report and hopes that the latter will contain full information on the application of the present provisions of the Convention as regards workers in agriculture, payments in kind and deductions from wages.

Nicaragua (ratification: 1976)

Article 11, paragraph 3, of the Convention. Further to its previous comments, the Committee notes with satisfaction that by Decree No. 717 of 1 May 1982, section 76 of the Labour Code has been amended so as to determine the relative priority of wages constituting a privileged debt in the event of bankruptcy or judicial liquidation of an undertaking.

Swaziland (ratification: 1978)

With reference to its earlier comments, the Committee notes with satisfaction that the Employment Act 1980 ensures the application of Articles 4, 5, 7, 9 and 10 of the Convention.

Syrian Arab Republic (ratification: 1957)

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

Article 2 of the Convention. The Committee refers to its previous comments, and notes that the draft legislation which is to extend to temporary workers (at present excluded under section 88(a) of the Labour Code) the provisions on protection of wages in Book II, Chapter II, of the Code has not yet been adopted. It hopes that the necessary action will be taken at an early date to ensure the full application of the Convention.

Turkey (ratification: 1961)

Further to its previous observations, the Committee has taken note of the information supplied by the Government to the Conference Committee in 1982 and in its subsequent report.

Article 2 of the Convention. The Government states in particular that the application of the Convention to workers excluded from the Labour Code is ensured by other laws and also by collective agreements.

As regards legislative provisions other than the Labour Code which have been referred to by the Government, the Committee recalls that the Bankruptcy Act gives effect to Article 11 of the Convention, and section 326 of the Code of Obligations (which regulates the periods of payment: weekly, monthly or at end of contract) gives effect to Article 12 of the Convention. Sections 73 and 323 of the same Code, which require, respectively, wages to be paid normally at the creditor's address, and the employer to pay the amount fixed by the contract in accordance with current rates or collective agreement, do not directly relate to any specific provision of the Convention. As noted accordingly by the Committee in earlier comments and as also acknowledged in earlier government reports, the above-mentioned provisions do not adequately apply the Convention in respect of workers in agriculture and workers in small commercial and handicraft undertakings who are at present excluded from the Labour Code.

As regards the application of the Convention by collective agreements, the Committee recalls that while this method of application is envisaged for certain provisions of the Convention (for instance Article 3, paragraph 2; the permissive clauses of Article 4, paragraph 1 and Article 5; Article 8, paragraph 1; Article 13, paragraph 1) other provisions to be given effect require laws or regulations, particularly the various prohibitions and protective restrictions laid down in the Convention (for instance, Article 3, paragraph 1; Articles 6, 9, 10 and 11). Within this context the Committee notes that the collective agreements between the Agricultural Workers' Union and the Director-General of the Ministry of Agriculture, communicated with the Government's report, determine the amount of wages to be paid and other benefits to be supplied but do not appear to regulate the various aspects of protection of wages as required in the Convention. Furthermore, these agreements apply only to the state agricultural institutions. In these conditions the Committee can only reiterate the hope that the full protection laid down in the Convention will be extended to workers in agriculture and to workers in small commercial and handicraft undertakings who are at present excluded from the relevant provisions of the Labour Code.

As regards the question of freedom of association and collective bargaining, referred to in the discussion in the Conference Committee

in 1982, the Committee of Experts refers to the observation it is making under Convention No. 98.

Article 13. As noted in previous comments, sections 73 and 326 of the Code of Obligations (see above) do not give effect to this Article which requires wages to be paid on a working day and at or near the workplace and prohibits payment of wages in certain places.

The Committee once again expresses the hope that appropriate measures will be taken in the very near future to give full effect to the Convention on these points.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Colombia, Costa Rica, Cyprus, Dominican Republic, Egypt, Gabon, Guyana, Iran, Italy, Lebanon, Malaysia, Mauritius, Nicaragua, Philippines, Poland, Saint Lucia, Sierra Leone, Somalia, Uganda, USSR, Upper Volta, Zaire.

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

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

Syrian Arab Republic (ratification: 1957)

The Committee refers to its previous observation and notes that the Government's report has not been received. However, it has taken note of the information supplied by a Government representative in the Conference Committee in 1982, according to which, although sections 18 and 22 of the Labour Code allowed private employment agencies to exist, there were in fact none in operation. The Government representative also indicated that in June 1981 the Ministry of Labour had promulgated a compromise text, namely Decision No. 4 on employment agencies, which provided that no private employment agencies as defined by the Ministry of Labour could be operated; however, this text did not repeal sections 18 and 22 of the Labour Code. For this purpose, a Bill had been drafted and passed to the Council of Ministers in May 1982 for its consideration. In addition, a tripartite committee had been established to make preparations for a new labour code which would take account of ILO Conventions, and it was expected that the committee would soon submit the question to the Ministry of Labour; the Government representative referred to certain delays involved in consultations between ministries and complex preparations necessary for drafting a new labour code.

The Committee takes due note of the assurances given to the Conference Committee. It recalls that this matter has been the subject of comments for a number of years and reiterates the hope that the Bill referred to by the Government will be enacted in the very near future and that: (a) it will repeal sections 18 and 22 of the Labour Code

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

(Act No. 91 of 1959), which authorise the setting up of private employment agencies and the use of manpower recruiting agents, or 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. The Committee trusts that the Government will also supply copies of the various texts concerned.

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the following States: Brazil, Federal Republic of Germany, Italy, New Zealand, Nigeria, Portugal, Spain.

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

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

Argentina (ratification: 1956)

The Committee takes note of the information communicated by the Government in its report.

The Committee is examining the question of suspension of collective bargaining under Convention No. 87.

Austria (ratification: 1951)

The Committee takes note of the comments of the trade union organisations on the subject of anti-union practices in small enterprises. It is addressing a direct request to the Government in this regard.

Belgium (ratification: 1953)

The Committee notes the information contained in the Government's report. It also takes note of the observations of the General Workers' Federation of Belgium (FGTB) on the wage restraint measures adopted in 1982. It is addressing a direct request to the Government in this regard.

Brazil (ratification: 1952)

The Committee takes note of the information supplied by the Government in its reports as well as to the Conference Committee on the various questions relating to the application of Articles 4 and 6 of this Convention.

The Committee recalls that for many years it has been making observations concerning the application of the Convention to public

officials other than those engaged in the administration of the State (section 566 of the Consolidated Labour Laws as amended by Act No. 6128 of 1974) as well as concerning the excessively wide powers enjoyed by the authorities in the matter of cancellation of collective agreements or of judicial decisions which contravene the norms laid down by the governmental wage policy (section 623 of the Consolidated Labour Laws as amended by Legislative Decree No. 229 of 28 February 1967 and section 8 of Act No. 5584 of 26 June 1970).

The Committee also recalls that it had observed that the draft bill proposing to codify the labour laws did not fundamentally change the situation and that it had requested the Government to take the necessary steps to enable workers in public enterprises to enjoy the guarantees provided for by the Convention and that it had also requested it to lift the restrictions on collective bargaining which have been in force for several years so as to give full effect to Article 4 of the Convention.

Furthermore, in its communications dated 4 September 1981, 24 February and 30 September 1982, the National Confederation of Workers of Credit Enterprises also submitted certain comments on the application of the Convention relating to the denial of the right to organise of the salaried employees of public enterprises and, in particular, on the employees of certain banking and credit establishments and other autonomous units which have financial activities, and to the restrictions on the freedom of voluntary collective bargaining imposed by legislation for the past 16 years.

The Committee notes the Government's statement to the effect that the draft bill proposing to codify the labour laws was set aside in favour of a draft labour code under preparation in which the Government hopes to find a solution to the problem of the workers of public enterprises.

The Government states, on the other hand, that Act No. 6708 of 30 October 1979 provides for automatic half-yearly adjustments to the minimum wage (section 1) and, for the first time in the national judicial history, for the conclusion of collective agreements in public enterprises (section 12), which, it declares, constitutes an important step in the direction recommended by the Committee. It adds that sections 623 of the Consolidated Labour Laws and 8 of Act No. 5584 of 1970 which provided for the annulment of provisions which were contrary to the legislation have fallen into disuse, the automatic six-monthly adjustment of salaries provided under Act No. 6708 of 1979 making the use of these powers practically impossible because wage increases only appear in collective agreements and arbitration decisions and that such increases are no longer subject to limits laid down by the law.

The Government further indicates that it considers the legal provisions on wage policy as being purely transitory and that it has decided that such norms will not be included in the future Labour Code.

The Committee takes note of all the above-mentioned information. It also takes note with interest of section 12 of Act No. 6708 of 30 October 1979 which grants workers of public enterprises the right to bargain collectively. However, the Committee notes that, if the section referred to by the Government lays down that public enterprises, mixed economy enterprises and enterprises subsidised by the State or holding concessions from the public utility services, may conclude agreements of an economic nature or grant general wage increases, such enterprises can only conclude collective agreements "within the terms of the resolutions of the National Council on Wage Policy".

Moreover, the Committee has to point out that section 566 of the Consolidated Labour Laws continues to deny state employees and those of semi-official institutions, except those of mixed economy enterprises, the right to organise, and that such a legal provision seriously impairs the right of public officials, other than those engaged in the administration of the State, and of employees of public enterprises, including those of banking or credit establishments, to bargain collectively on their wages and working conditions in conformity with Article 4 of the Convention.

Furthermore, within the general context of voluntary collective bargaining, the Committee notes that section 11, subsections 2 and 3 of Act No. 6708, relating to wage increases in collective agreements, permits the exclusion from the application of such agreements of enterprises which demonstrate their economic inability to bear the wage increases and authorises them not to grant these increases.

Consequently, and taking into account the fact that the Government itself recognises that it considers the statutory provisions relating to wages policy as purely transitory and that it has made sure that they are not included in the future Labour Code, the Committee expresses the firm hope that the legislation will, in the very near future, guarantee the right to free voluntary collective bargaining to trade union organisations of public officials other than those engaged in the administration of the State as well as the right to organise to those who are still deprived of this right and full freedom of voluntary collective bargaining to all workers and employers covered by the Convention. It requests the Government to indicate in its next report any progress which may continue to be made in these fields.

Chad (ratification: 1960)

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

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 hopes 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 takes note of the information provided by the Government in its report, in particular that where a problem arises in connection with acts of anti-union discrimination there is a preference for settlement through the courts of justice. The Committee, however, is bound to maintain its previous comments, in which, referring to the conclusions of the Committee on Freedom of Association in Cases 821, 859 and 875, it has pointed out the need to lay down explicitly in the legislation remedies and penalties for acts of anti-union discrimination and acts of interference by employers in workers' organisations in order to ensure the effective application of Articles 1 and 2 of the Convention. The Committee hopes that its comments will be taken fully into account in the forthcoming revision of the Labour Code.

Dominican Republic (ratification: 1953)

The Committee takes note of the information provided by the Government in its report and also of the conclusions of the Committee on Freedom of Association concerning Case No. 1053 (see the 211th Report of the Committee, approved by the Governing Body at its 218th Session in November 1981).

The Committee observes that it has for some years been making comments on the need to adopt adequate and effective measures of protection against dismissals on anti-union grounds and acts of interference by employers in workers' organisations. The Committee also observes that the Committee on Freedom of Association, in reaching its conclusions on Case No. 1053, in which the allegations referred to problems concerning the practical application of the Convention, asked the Government to consider the adoption of legal provisions effectively protecting trade union leaders and workers against dismissal on the grounds of their trade union activities.

The Committee asks the Government to take measures to amend the legislation accordingly, for example by providing for penalties guaranteeing effective protection against acts conflicting with Articles 1 and 2 of the Convention.

Ecuador (ratification: 1954)

The Committee takes note of the information provided by the Government in its report.

In its previous observations, the Committee pointed out the desirability of adopting an express provision to guarantee adequate protection to workers against all acts of anti-union discrimination at the moment of recruitment (Article 1, paragraph 2(a), of the Convention), in particular by the provision of appropriate civil and penal sanctions. In this connection, the Committee observes that a draft Decree has been prepared to add an item (m) to section 43 of the Labour Code and that the draft has been referred to the Office of the President of the Republic for subsequent submission to the National Chamber of Representatives. The Committee would again express the hope that this draft will be adopted in the near future and asks the Government to inform it of any developments in this regard.

Finland (ratification: 1951)

With reference to its previous observations on the need to strengthen the provisions concerning the effectiveness of legislative protection against anti-union discrimination, the Committee notes that the Government again expresses its intention of speeding up the preparatory legislative work in this field.

The Committee points out that as long ago as 1975 the Confederation of Finnish Trade Unions called attention to the system applicable in cases of the dismissal of union representatives, which it considered unsuitable because the sanctions that could be imposed seemed to it to require strengthening.

The Committee notes in particular the statement by the Government in its report to the effect that, with regard to protection against anti-union discrimination, a committee on economic offences, responsible for the examination of the tightening of sanctions applicable to employers, completed its work in 1973 and submitted

proposals to the Committee on Criminal Law, which had been set up to consider the total revision of criminal law. The report of the latter committee was submitted in 1976 and the matter was referred to the Ministry of Justice. In addition, the Government again states that the committee set up to revise the legislation on associations is expected to complete its work in 1983.

The Committee trusts that measures will be taken in the near future to ensure the full application of Article 1 of the Convention and again asks the Government to provide information on all developments in this connection.

Gabon (ratification: 1961)

The Committee notes the latest report submitted by the Government.

It notes that, according to the Government, workers cannot be subject to acts of anti-union discrimination at the time of recruitment or during employment, since they enjoy to the full the exercise of the right to organise (sections 2(1), 172, 173 and following of the Labour Code).

However, although the present legislation ensures the protection of trade union leaders and workers against dismissal for union activities (sections 50 and 197 of the Labour Code), the Committee points out that no express provision protects a worker against other acts that may be harmful to him (transfer, downgrading, disciplinary measures, deprivation of or limitations on wages or social benefits, etc.) during the employment relationship or at the time of recruitment.

The Committee considers that protection against acts of anti-union discrimination within the meaning of Article 1, paragraph 2, of the Convention should be ensured by an express provision in the law accompanied by appropriate, in particular, penal, sanctions. It therefore asks the Government to supplement its legislation on this point to bring it into conformity with Article 1, paragraph 2, of the Convention.

The Committee notes the statement by the Government to the effect that protection against acts of interference between employers' and workers' organisations is ensured by the Labour Code.

In its earlier comments, the Committee has already noted that disputes relating to acts of interference are settled by the workers' central organisations (COSYGA) and the employers' central organisation (CPG). It has also noted that no express provision of the law ensures protection against acts of interference either between workers' and employers' organisations or between workers' organisations and an individual employer.

The Committee points out that under Article 2 of the Convention this protection should be ensured by an express provision in the law accompanied by appropriate, in particular, penal, sanctions.

It again asks the Government to take the necessary measures to bring its legislation into conformity with Article 2 of the Convention.

The Committee also asks the Government once more to provide information on the practical application of the Convention (for example, the number of collective agreements concluded and the number of workers covered by these agreements, etc.).

Greece (ratification: 1962)

The Committee notes with satisfaction that section 32 of Act No. 1264 of 1 July 1982 respecting the democratisation of the trade union movement and the protection of the rights of workers' unions repeals Act No. 330 of 1976, which has given rise to certain comments in respect of the inadequate scope of the protection afforded to trade union leaders. The Committee notes in particular that section 14 of the new Act very considerably widens the scope of protection, which is guaranteed to all workers and reinforced for a larger number of union leaders elected to office in trade union organisations.

It also notes that under section 15 the preliminary checking of the dismissal of a trade union leader is referred to a tripartite protective committee.

Lastly, it notes further that under section 24 employers are obliged to re-engage workers who have been dismissed for trade union activities.

Guatemala (ratification: 1952)

The Committee notes the information supplied by the Government in its latest report.

The Committee must point out that section 4 of Decree No. 1786 of 10 September 1968, applicable to workers in autonomous and semi-autonomous state bodies whose economic activities are similar to those of private enterprises, appears to grant exclusively to such workers the right to submit collective petitions of a socio-economic nature to the executive organs of the bodies in question. In the opinion of the Committee, this regulation cannot be regarded as constituting adequate steps to encourage and promote the development and application of voluntary collective bargaining procedures within the sense of Article 4 of the Convention. The Committee therefore requests the Government to indicate the steps that it has taken or proposes to take to ensure the application of the Convention on this point to such workers.

Guinea-Bissau (ratification: 1977)

With reference to its previous observations concerning the need for statutory provisions to ensure to workers adequate protection against acts of anti-union discrimination, both at the time of recruitment and during employment, and to the need to repeal sections 26 and 27 of Legislative Decree No. 36.173 of 6 March 1947 on collective agreements, which confer on the National Labour and Social Security Institute the right to participate in the drafting of collective agreements by supervising the related negotiations and drafting, the Committee notes with interest that in the course of the direct contacts which took place in May 1982 between the competent government authorities and a representative of the Director-General, a draft legislative decree was prepared with a view to bringing the legislation into conformity with the Convention on these two points.

The Committee also notes that the draft in question contains a provision to protect trade union organisations against acts of interference from employers, or employers' organisations, and that it extends the application of the Convention to public officials not engaged in the administration of the State.

The Committee expresses the hope that the draft decree referred to will be adopted soon so as to bring the legislation into full conformity with the Convention.

Indonesia (ratification: 1957)

The Committee takes note of the report submitted by the Government.

With reference to section 2 of Act No. 14 on Basic Principles concerning Manpower, 1969, the Committee notes that there shall be no discrimination in the enforcement of the Act and its implementing regulations.

The Committee requests the Government to indicate how this provision ensures to workers protection against acts of anti-union discrimination both at the recruitment stage and during the employment relationship as provided for under Article 1 of the Convention.

The Committee notes that the Government does not provide any new information on the other points raised in its previous observations.

The Committee had expressed the view that section 1(b) of Ministerial Regulation No. PER.01/MEN/1975 was not sufficient to protect workers' organisations against acts of interference from employers, contrary to Article 2 of the Convention.

The Committee had also noted that Regulation No. 49 of 1954 and Regulation No. PER.01/MEN/1975 (to which attention was called in Regulation No. 02/MEN/1978) limited to federations covering at least 20 provinces and uniting at least 15 trade unions the right to draft and conclude collective agreements, contrary to the provisions of Article 4 of the Convention.

The Committee accordingly finds itself obliged to request the Government again to amend its legislation to bring it into conformity with the Convention on these points.

It also requests the Government again to supply a copy of the Act respecting state-owned enterprises referred to in its previous report.¹

Japan (ratification: 1953)

The Committee notes the information supplied by the Government in its reports and in the statement made by a Government representative to the Conference Committee in 1981, as well as the comments made by the General Council of Trade Unions of Japan (SOHYO) concerning the referral by the Government to the Diet of the 1982 wage increases for public employees and employees of public corporations and national enterprises, the scope of public service personnel and the implementation of collective labour agreements at the local public service level.

1. In reply to the Committee's previous observation, requesting the Government to supply detailed information on the categories of civil servants excluded from collective bargaining, the Committee notes the information supplied that, as regards national public employees other than those in national enterprises, and local public employees other than those in local public enterprises, and persons employed for simple labour their conditions of work are fixed by laws and regulations and not by collective agreements. The Committee would again recall that Article 6 only permits the exclusion

¹ The Government is asked to report in detail for the period ending 30 June 1983.

from the terms of the Convention of civil servants engaged in the administration of the State, that is to say, public servants who by their functions are directly engaged in the administration of the State - in other words civil servants employed in government ministries and other comparable bodies, as well as officials acting as supporting elements in these activities. Moreover, the report of the Committee on Freedom of Association referred to by the Government during the 1981 Conference Committee discussion of this point concerned rather the Government's compliance with Article 4 of the Convention and not the scope of the employees concerned. The Committee considers that it would be desirable for the Government to re-examine the situation in the light of the above definition in order that the guarantees laid down in the Convention might be extended to those public servants who come within its scope.

2. As regards the question of applying collective agreements at the local level in the public service, the Committee notes the Government's statement that it is not aware of any such cases but, according to it, that Articles 8 of the Local Public Enterprises Labour Relations Law (providing for freezing of the agreement if it is in conflict with local by-laws) and 10 (providing that an agreement shall not be binding until the assembly of the local public body concerned approves it) do not invalidate the agreement immediately.

The Government also states that in Japan there is no system declaring an agreement invalid because it runs counter to the economic policy of the Government and that, in principle, there is no system requiring previous approval before an agreement can come into effect.

The Committee requests the Government to provide detailed information on the practical application of Articles 8 and 10 of the above-mentioned Law.

3. As regards the SOHYO's comments regarding the Government's referral to the Diet of awards granting wage increases to employees of the public corporations and national enterprises, as well as recommendations of the National Personnel Authority for wage increases in the non-operative public service, the Committee notes that the Diet approved the awards and recommendations in December 1981.

As regards the situation of such awards and recommendations for 1982 the Committee observes that these questions were examined by the Committee on Freedom of Association (Case No. 1151, 218th Report, November 1982 and Case No. 1165, 222nd Report, March 1983). In this connection, the Committee would once again draw the Government's attention to the well-established principle that whenever such basic rights as the right to bargain collectively or to strike in essential services or in the civil service are forbidden or subject to restriction - as is the case in question - adequate guarantees, such as speedy and impartial conciliation and arbitration procedures in which the parties can take part at every stage and in which the awards, once made, are fully and promptly implemented, should be ensured to safeguard to the full the interests of the workers thus deprived of an essential means of defending their interests. The Committee also recalls that the reservation of budgetary powers to the legislative authority should not have the effect of preventing compliance with the terms of awards handed down by the compulsory arbitration tribunal.

Liberia (ratification: 1962)

The Committee takes note of the information provided by the Government in the latest report.

With reference to its previous comments on the right to bargain collectively of employees of the State, the Committee notes that, according to the Government, this right is accorded in practice to all persons employed by the Government not engaged in the administration of the State, in particular to teachers employed in public education and municipal employees.

The Committee also notes that section 1(1) of Chapter I of the proposed new Labour Law has been revised to include within the scope of the Labour Law employees of state enterprises, authorities and institutions. It notes that the examination of the provisions concerning safety and health and minimum wages has delayed the coming into force of the new law. The Committee hopes that this new law will come into force in the near future.

It has also studied the Decree of the People's Redemption Council of 1982 to give effect to Articles 1 and 2 of the Convention. The Committee notes that this Decree was to come into force about June 1982. It asks the Government to state whether the Decree has already been adopted.

Libyan Arab Jamahiriya (ratification: 1962)

The Committee notes the Government's report, as well as the statements made by the Government representative to the Conference Committee in 1981.

Following its previous observations, the Committee notes that section 34 of Act No. 107 of 1975 on trade unions, which ensures protection against acts of discrimination for trade union activities during the employment relationship but not at the time of recruitment of a worker, contrary to Article 1 of the Convention, as well as sections 63, 64, 65 and 67 of the Labour Code which lay down certain conditions of validity of collective agreements, which are not in conformity with Article 4 of the Convention, have been referred to the committee entrusted with the revision of legislation. The Committee hopes that the new labour legislation announced by the Government will be adopted shortly and that it will take into account the observations made on these points.

Referring to its observation concerning agricultural workers and seafarers, and taking note of the Government's statement that seafarers are governed by the Maritime Code, the Committee requests the Government to be good enough to provide a copy of the Maritime Code and of the texts of the laws which ensure to agricultural workers the rights guaranteed by the Convention.

The Committee notes finally that, according to the Government, Act No. 55 respecting the public service applies in particular to teachers and postal employees. The Committee again requests the Government to indicate whether this Act ensures to workers not directly engaged in the administration of the State (such as teachers and postal employees) the guarantees provided for under the Convention. It further requests the Government to be good enough to supply a copy of the text of Act No. 55.

Malaysia (ratification: 1961)

Referring to its previous observation concerning restrictions in the legislation as regards voluntary collective bargaining, the Committee notes with regret that the Government, in its report, states that it has no new information to add to its previous reports on the application of the Convention.

1. Restrictive regulations concerning collective bargaining

The Committee recalls that for many years its comments have referred to sections 13 and 15 of the Industrial Relations Act, 1967 (as amended). 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.

These provisions which restrict and regulate collective bargaining in this way cannot be compatible with the measures provided for by Article 4 of the Convention.

The Committee noted that the question of amending sections 13 and 15 of the 1967 Act - sections adopted at a time when the country was going through great economic difficulty - to bring them into conformity with the Convention was being kept under active consideration with a view to action at an appropriate time and it hoped that the Government would be in a position to bring its legislation into conformity with the Convention on this point rapidly.

2. Denial of the right to bargain collectively of employees in public administrations other than civil servants engaged in the administration of the State

The Committee also noted the conclusions reached by the Committee on Freedom of Association (Case No. 965) regarding the Industrial Relations Act, and in particular on section 52 which excludes employees of government and statutory bodies from the rights guaranteed under the Act. The Government had explained that this resulted in a harmonisation of treatment of employees in the public sector as a whole and was not in any way discriminatory. However, the Committee had recalled that Article 4 of the Convention concerning the encouragement and promotion of collective bargaining, applies both to the private sector and to nationalised undertakings and public bodies, it being possible to exclude from such application only public servants engaged in the administration of the State (Article 6). The Committee also pointed out that, while the concept of public servant may vary to some extent under the various national legal systems, the exclusion from the scope of the Convention of persons employed by the State or in the public sector, who do not act as agents of the public authority (even though they may be granted a status identical with that of public officials engaged in the administration of the State) is contrary to the meaning of the Convention. The distinction to be drawn would appear to be basically between civil servants employed in various capacities in government ministries or comparable bodies on the one hand, and other persons employed by the government, by public undertakings or by independent public corporations. The Committee therefore considered that the provision in question was too broad in its scope and therefore not in conformity with the Convention.

The Committee requested the Government to consider amending its legislation in the light of the considerations set out above so as to bring it into conformity with Articles 4 and 6 of the Convention.

Since the Government's report does not contain information on developments in these areas, the Committee expresses the firm hope that

the Government will transmit in the near future information on the measures taken or contemplated with a view to bringing its legislation into conformity with the Convention on these two points.

Mauritius (ratification: 1969)

The Committee notes from the information provided by the Government in its last report that the Industrial Relations Act 1973 is to be repealed and replaced by new legislation, which will include provision for the protection of workers' organisations against acts of interference by employers.

The Committee hopes that such provisions will be introduced in the near future and asks the Government to provide full information on any developments in the situation on this point.

Nigeria (ratification: 1960)

The Committee takes note of the report submitted by the Government as well as of the information supplied to the Conference Committee in 1982.

The Committee notes the Government's statement that the persons excluded from the definition of "worker" within the meaning of section 90 of the Labour Act, 1974, are usually unionised and are hence in a position to protect and defend their interests through collective bargaining.

The Committee wishes to point out that such workers are covered by the Convention and should be protected against acts of anti-union discrimination, both at the recruitment stage and during the employment relationship, by express provisions accompanied by appropriate, in particular, penal, sanctions. In the opinion of the Committee, it is not enough that such workers should, through the process of collective bargaining, be able to defend their interests in order that the principle set out in Article 1 of the Convention should be respected.

Consequently, the Committee again requests the Government to amend its legislation on this point.

Pakistan (ratification: 1952)

The Committee takes note of the latest report submitted by the Government and of the information supplied by the Government to the Conference Committee.

It notes that, according to this information, it was the ineffectiveness of collective bargaining in the nationalised banks and insurance companies that led to the setting up of the Wage Commission, that this Commission does not cover other sectors and that the Government has no intention of extending the system to other industries.

The Committee points out that the principle of voluntary negotiation implies the establishment of procedures for discussion between the parties with a view to concluding a freely reached agreement. When a government holds the view that standards relating to wages and conditions of employment should be put into force in certain sectors, it should establish machinery enabling the social partners to participate in the elaboration of these standards so that they may take them into account voluntarily in their negotiations.

The Committee again points out that sections 38A and following of the Industrial Relations Ordinance by Ordinance No. XIX of 1974, under which the Government may constitute a wage commission for fixing rates of wages and determining all the other terms and conditions of employment in the banks and in any other sector that may be designated by government notification, restrict the exercise of voluntary negotiation as laid down in Article 4 of the Convention.

The Committee hopes that the Government will take its comments into consideration and introduce suitable amendments on this point.

Panama (ratification: 1966)

The Committee takes note of the information provided by the Government in its report.

In its previous comments, the Committee has noted with interest that a draft Decree has been prepared to extend to public employees the provisions of Book III of the Labour Code, which govern collective labour relations. The Committee has pointed out that it has been commenting for many years on the right of public employees to bargain collectively and has referred in particular to workers of the Institute for Hydraulic Resources and Electrification and the National Telecommunications Institute, who are prohibited by Act No. 8 of 25 February 1975 from concluding collective agreements.

The Committee notes the statement by the Government in its report to the effect that the draft Decree in question is under study by the Ministry of Labour and Social Welfare.

The Committee hopes that the legislation will be brought into conformity with the Convention in the near future and asks the Government to keep it informed of all developments in the situation.

Paraguay (ratification: 1966)

The Committee takes note of the information provided by the Government in its report.

In its previous comments the Committee observed that section 2 of the Labour Code excludes from its scope the staff of public undertakings, and asked the Government to adopt specific provisions guaranteeing to these workers 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. The Committee notes the statement by the Government in its report to the effect that this protection is granted by the legal provisions at present in force. The Committee asks the Government to provide the text of these provisions.

The Committee has also asked the Government to adopt explicit rules to guarantee the right to bargain collectively to public servants not engaged in the administration of the State, to other public employees and to workers in public undertakings. The Committee expresses again the hope that the necessary measures will be adopted in the near future to bring the legislation into conformity with the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

Poland (ratification: 1957)

The Committee takes note of the new trade union legislation and, in particular, of the Trade Union Act.

The Committee notes that section 23 of the Act makes it compulsory that collective bargaining should take place at the level of branch of activity. The Committee considers that the question of the level at which collective bargaining should take place is a matter for the parties to the negotiations themselves. It notes furthermore that branch unions will not be able to function with effect from the beginning of 1984 (section 53). One may conclude from these two provisions read jointly that collective bargaining has been suspended.

The Committee requests the Government to indicate how conditions of employment and wages are determined during this period of suspension and to provide information on the steps which it proposes to take to give effect to Article 4 of the Convention concerning the promotion of voluntary collective bargaining.¹

Portugal (ratification: 1964)

The Committee notes the information communicated by the Government in its report.

Following the repeated comments of the Confederation of Portuguese Industry, the Committee examined the texts governing the negotiation of collective agreements (Order No. 164A 176-887/76 and Legislative Decree No. 519C 1/79) and considered that their provisions did not appear to jeopardise the application of Article 4 of the Convention.

In its latest report, the Government mentions the comments made by the Confederation of Portuguese Trade regarding the legislation on collective bargaining which, according to the Confederation, penalises the workers' and employers' organisations.

The Committee examined the Resolution of the Council of Ministers No. 1/A of 23 December 1981 which defines the general guidelines for wages development by reference to the interests of the national economy. Under section 1 of this Resolution, undertakings can only carry over to the prices and tariffs practised the increases in their wages bills up to 17 per cent, the figure which corresponds to the inflation rate. Measures to increase social security contributions or to decrease bank credits apply to undertakings which do not observe the guidelines set out (sections 2 and 3).

The Committee notes that the measures in question are aimed at encouraging the social partners to limit the over-all increase in wages to the rate of inflation, thus permitting the maintenance of purchasing power, and that they are of a dissuasive nature rather than obligatory. The Committee therefore considers that this non-obligatory Resolution of the Council of Ministers does not appear to contain measures which are contrary to Article 4 of the Convention.

In addition, the Committee notes the conclusions reached by the Committee on Freedom of Association in Case No. 1042 concerning a

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

complaint presented by the National Federation of Public Employees' Trade Unions of Portugal. In this regard, the Committee would draw the Government's attention to Article 6 of the Convention which only provides that the Convention does not cover public servants engaged in the administration of the State. The exclusion from the scope of the Convention of persons employed by the State or in the public sector, but who do not act as agents of the public authority, even when their status is deemed to be identical to that of public officials engaged in the administration of the State, is contrary to the Convention.

The Committee therefore considers that public servants, other than those engaged in the administration of the State, should be able to benefit from the right to voluntary collective bargaining which is guaranteed in Article 4 of the Convention.

Singapore (ratification: 1965)

The Committee notes the report submitted by the Government.

In continuation of its previous comments, the Committee notes that the Industrial Arbitration Court has never exercised the powers conferred on it by section 25 of the Industrial Relations Act to refuse to certify collective agreements of certain newly established undertakings on the grounds that certain of their clauses may be more favourable than those laid down in Part IV of the Employment Act. The Committee also notes that, according to the Government, the workers of these enterprises have not yet opted to be unionised, but that as soon as trade unions have been established and collective agreements reached, the restrictions contained in section 25 of the Industrial Relations Act will cease to be applicable. The Committee requests the Government to keep it informed, in its future reports, of any developments in the situation in this regard.

The Committee also notes the Government's statement that the matters excluded from collective bargaining under the terms of section 17 of the Industrial Relations Act are, in practice, the subject of intensive consultations and discussions between trade unions and employers and that the decisions taken as a result are applied in good faith.

As a result, taking into consideration the fact that national practice seems to allow free negotiation of conditions of employment beyond what is provided for under the Act, the Committee requests the Government to be good enough to examine the possibility of amending section 17 of the Industrial Relations Act so as to eliminate the possibility of this affecting the application of Article 4 of the Convention which requires appropriate measures to be taken to encourage voluntary negotiation with a view to regulating conditions of employment.

Spain (ratification: 1977)

The Committee has received comments from the Spanish Confederation of Employers' Organisations raising objections to certain provisions of Royal Decree No. 572/82 on the extension of collective agreements to enterprises which have not taken part in the negotiation of these agreements. In the opinion of the Confederation, this removes the exceptional character of such extensions.

After a careful examination of this Royal Decree, the Committee considers that it would not appear to be contrary to the provisions of

the Convention in that, as section 3 of the Royal Decree lays down, the extension of collective agreements shall take place when exceptional economic and social circumstances prevail, or when circumstances render collective bargaining exceptionally difficult because of the absence of legitimate representatives who might negotiate. In addition, the extension procedure can only be commenced at the request of one of the parties, and all those having an interest participate in the formal proceedings.

The Committee would, however, request the Government to supply information on the practical application of the Royal Decree in question.

Sri Lanka (ratification: 1972)

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

With reference to its earlier 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.

Swaziland (ratification: 1978)

With reference to its previous comments, the Committee notes with satisfaction that, following the coming into force on 1 November 1981 of section 35(3)(a) in conjunction with sections 10 and 76 of the Employment Act, protection against anti-union discrimination now covers workers not only at the time of recruitment but also in the course of their employment by granting them the protection of the law against dismissal on the grounds of union membership and that contraventions of this protection are liable to penal sanctions.

The Committee is addressing a direct request to the Government on other aspects of the application of the Convention.

Tanzania (ratification: 1962)

With reference to its earlier comments concerning the approval of collective agreements by the Permanent Labour Tribunal with a view to ensuring that they do not conflict with the wage policy of the Government (sections 6(5), 16(b), 23(3)(c) and 39(2), (4) and (7)(c) of the Permanent Labour Tribunal Act, 1967) the Committee notes with interest that the Government will shortly furnish information on the measures taken in respect of the suggestion made by the ILO on this matter. It again expresses the hope that these measures will bring the legislation into conformity with Article 4 of the Convention.

Trinidad and Tobago (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:

Article 4 of the Convention. The Committee had pointed out that only a majority union having more than 50 per cent of the workers in a given unit could be certified as a bargaining agent (section 34 of the Industrial Relations Act).

The Committee notes that section 74D of the Education Act, as amended (Act No. 1 of 21 April 1981) which relates to the procedure for recognising an association as an appropriate recognised association, also restricts recognition to an association supported by more than 50 per cent of the persons in a given bargaining unit. It follows that a trade union, even with a majority, that does not cover 50 per cent of the persons in a unit, cannot obtain a certificate as a recognised bargaining agent. It regrets that the Government did not take its comments into consideration when it amended the Education Act.

The Committee recalls that, if under a system of nominating an exclusive bargaining agent there is no union covering more than 50 per cent of the workers, collective bargaining rights should be granted to all the unions in this unit, at least on behalf of their own members.

The Committee again requests the Government to amend its legislation so as to enable a union, in the absence of a bargaining agent, to negotiate a collective agreement at least on behalf of its own members, if it is voluntarily recognised by the employer.

With reference to the Education Act, as amended (No. 1 of 1981), the Committee also requests the Government to keep it informed of the practical application of this Act. It asks the Government in particular to inform it of any applications for recognition as an "appropriate recognised association" submitted to the Board (as defined in section 71 as amended) and of the decisions taken by the Board in this connection.

Article 2. In its earlier reports, the Government has stated that the possibility of adopting a specific provision for protection against acts of interference was under discussion with the Labour Congress and the Employers' Consultative Association. The Committee again requests the Government to inform it of the result of the discussions with these two bodies.

Turkey (ratification: 1952)

The Committee takes note of the information provided by the Government in its report. It also notes comments of the World Confederation of Labour, communicated during the Committee's meeting, concerning the draft trade union law; these comments have been transmitted to the Government for comment. It has also studied the conclusions reached by the Committee on Freedom of Association at its November 1982 meeting on Cases Nos. 997, 998 and 1029 respecting Turkey (220th Report, approved by the Governing Body at its 221st Session in November 1982).

The Committee also takes note of the adoption on 7 November 1982 of a new Constitution, certain articles of which, in Chapter II, Section III, deal with the formation of trade unions, union activities and the right to bargain collectively (articles 51-54). The Committee notes that, under article 177 of the Constitution, these provisions will come into force when pertinent new laws are promulgated, or

amendments are made to the existing laws; and under all circumstances, not later than the date of the assumption of office by the Turkish Grand National Assembly. However, the existing laws, as well as the communiqués and decrees of the National Security Council, on which the Committee had made comments, shall continue to be implemented, until these provisions take effect.

The Committee had noted in particular in its previous observation that the Government had taken various measures suspending the activities of trade union organisations and collective bargaining. It points out again that genuine collective bargaining could not take place without the participation, as workers' representatives, of trade unions in a position to carry out their activities normally.

The Committee had also noted the adoption of an Act to establish a Supreme Arbitration Board. It observes that now collective bargaining has been replaced by a system under which the Supreme Arbitration Board reviews and extends collective agreements when they expire (Act No. 2364/1980). The Committee notes that under article 53 of the new Constitution workers and employers have the right to conclude collective agreements in order to regulate their economic and social relations, but observes that the Constitution itself sets up a Supreme Arbitration Board, which, where a strike is banned or postponed, resolves the dispute, its decisions being final and having the force of collective agreements (article 54). The structure and terms of reference of the Supreme Arbitration Board are to be regulated by law.

The Committee points out that, under Article 4 of the Convention, governments should take measures to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

The Committee hopes that the labour legislation to be adopted will conform to the provisions of the Convention and in particular preserve the autonomy and independence of the partners to collective bargaining.

The Committee asks the Government to provide information on any development in this regard and in particular on the adoption of any legal provisions in this field.¹

Uruguay (ratification: 1954)

The Committee takes note of the information provided by the Government in its report.

With reference to protection against acts of anti-union discrimination, the Committee notes that section 8 of Decree No. 622/973 provides that workers shall have adequate protection against all acts of discrimination that might affect freedom of association in connection with their employment.

The Committee also takes note of the statement by the Government that Act No. 15137 respecting occupational associations implies the -----

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

illegality of acts of interference by employers and their organisations or workers' organisations, since acts of interference would impair the concept and the function of occupational associations and be illegal since the Act in question is an Act of public policy, as laid down in its section 39. The Committee also observes that sections 8 and 9 of Decree No. 93 of 3 February 1968 provide protection against acts of interference and the imposition of fines in cases of such acts. The Committee asks the Government to state whether these sections are still in force.

The Committee has examined Act No. 15328 of 1 October 1982 respecting collective agreements in the private sector and Decree No. 390 of 3 November 1982 issued under it. The Committee observes that the following of their provisions are not in conformity with the Convention:

- section 2 of the Act and section 2 of the Decree, which exclude federations and confederations from the right to bargain collectively;
- sections 3 and 4 of the Decree, which provide that the existence of one or more workers' associations shall not prevent staff delegates from entering into collective agreements with the employer, and the election of these delegates may be approved by the Ministry of Labour and Social Security if application is made by no more than 10 per cent of the workers concerned;
- sections 4(a) of the Act and 11(a) of the Decree, under which a collective agreement must be validated by the submission of a draft, duly signed by the parties, to the Ministry of Labour and Social Security for verification of its legality;
- sections 4(b) of the Act and 11(b) of the Decree, which require approval of a collective agreement by an absolute majority of the workers concerned, established by secret ballot or written agreement.

The Committee is bound to point out that federations and confederations should be able to enter into collective agreements and that the ability of staff delegates to enter into collective agreements with the employer even where there may already be one or more workers' associations does not promote collective bargaining within the meaning of Article 4 of the Convention, that is to say, "between employers or employers' organisations and workers' organisations". Furthermore, the verification of the legality of collective agreements by the administrative authority should be confined to confirming that the formal requirements have been complied with and that the legislative provisions most favourable to the workers have been observed. Lastly, the Committee considers that where collective agreements are entered into by trade union representatives the requirement of approval by an absolute majority of those concerned may constitute an impediment to collective bargaining that is incompatible with Article 4 of the Convention. The Committee asks the Government to indicate the measures it intends to adopt to bring its legislation into conformity with the Convention.

In conclusion, the Committee notes that, according to the Government, the National Security Council has recommended to the Executive that the legislation concerning public servants should be revised and adapted and their right to organise regulated in accordance with the provisions of section 27 of Legislative Decree No. 10388 of 12 February 1943. Since the concept of public servant contained in this Legislative Decree is very wide and covers all persons working for the

State, the Committee points out that, under the Convention, the recognition of the right to bargain collectively, although it does not apply to public servants engaged in the administration of the State (public servants employed with various functions in government ministries or similar bodies), it must be guaranteed not only to workers in the private sector but also to less senior officials and other persons employed by the Government, by public undertakings or by autonomous public institutions. The Committee asks the Government to indicate the measures it intends to take to ensure that the right to bargain collectively is recognised to these categories of workers and hopes that the forthcoming revision of the legislation concerning public servants will contain provisions to this effect.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bolivia, United Republic of Cameroon, Cape Verde, Colombia, Comoros, Costa Rica, Cyprus, Democratic Yemen, Egypt, Ethiopia, Fiji, Grenada, Haiti, Ivory Coast, Jamaica, Jordan, Lebanon, Lesotho, Morocco, Nicaragua, Norway, Papua New Guinea, Philippines, Saint Lucia, Sudan, Swaziland, Uganda, Yemen, Zaire.

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

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

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

Convention No. 100: Equal Remuneration, 1951

Iceland (ratification: 1958)

The Committee notes with regret that the Government's report has not been received. Referring to its previous comments, the Committee would ask the Government to supply information on all practical measures taken to apply the provisions of the Convention. Specifically the Committee would ask the Government to supply information on the application of the relevant provisions of Law No. 78/1976 on Equality of Men and Women, with particular reference to the various activities of the Equality of Treatment Board, to which the above-mentioned act assigned a number of functions relevant to the application of the Convention.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bolivia, Cape Verde, Central African Republic, Chad, Comoros, Haiti, Iraq, Italy, Jamaica, Madagascar, Morocco, Mozambique, Nepal, Rwanda, Sierra Leone, Yemen, Zambia.

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

Cuba (ratification: 1954)

The Committee requests the Government to refer to its comments under Convention No. 52.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Ecuador, Sierra Leone.

Convention No. 102: Social Security (Minimum Standards), 1952

Requests regarding certain points are being addressed directly to the following States: Bolivia, Libyan Arab Jamahiriya, Switzerland.

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

Requests regarding certain points are being addressed directly to the following States: Libyan Arab Jamahiriya, Poland, Zambia.

Convention No. 105: Abolition of Forced Labour, 1957

Argentina (ratification: 1960)

The Committee notes the information supplied by the Government in its last report.

Article 1(a) of the Convention. In its previous comments, the Committee has observed that, since the declaration of the state of siege in 1974 and the subsequent adoption of the Act respecting the process of national reorganisation, of Decrees Nos. 6 and 9 of 24 March 1976 and of Act No. 21.400 of 3 September 1976, the Constitutional guarantees have been suspended, including the right to participate in political activities and the right to strike, and that numerous political sector organisations have been dissolved and participation in these organisations and propaganda on their behalf have been prohibited on penalty of imprisonment involving compulsory labour.

The Committee notes with interest the adoption of Act No. 22.617 of 16 July 1982, repealing Act No. 21.323 of 1976 which provided for sanctions against political activities; of Act No. 22.624 of 6 August 1982, granting amnesty for breaches of Act No. 21.323; and of the Organic Act (No. 22.627) of the political parties, of 26 August 1982 which guarantees to citizens the right of political association, thus enabling them to form democratic political parties; and to groups, the right to constitute themselves, organise and administer their own affairs and function freely as political parties with the right to legal personality (Article 1).

The Committee requests the Government to supply information on the practical application of Act No. 22.627 and on the steps taken or planned to ensure that no compulsory labour of any kind may be imposed by virtue of Acts Nos. 21.322 and 21.325 of 5 June 1976 by which political organisations and groups were dissolved and under which activities related or linked to these organisations are punishable with imprisonment.

Article 1(d). Further to its previous comments, the Committee notes with interest the reference by the Government, in its report, to strikes which took place recently without interference by the authorities and its declaration that Act No. 21.400 will be suspended. The Committee hopes that action will be taken in the near future to restore the right to strike without incurring punishment involving compulsory labour when stoppage of work does not endanger the life, personal safety or health of the population, and that the Government will indicate the measures taken to this end.

Burundi (ratification: 1963)

In its earlier comments, the Committee has noted that certain provisions of Legislative Order No. 001/34 of 23 November 1966 concerning the single national party and of Act No. 1-136 of 25 June 1976 relating to the press, as amended by Legislative Decree No. 1-4 of 28 February 1977, place on freedom of association and freedom to publish restrictions enforceable with penal servitude (involving the obligation to work under section 40 of Ministerial Order No. 100-1325 of 15 November 1963, regarding the prisons system) and thus are not compatible with Article 1(a) of the Convention since these penal provisions may result in preventing the expression of political or ideological opinions by peaceful means.

The Government indicates in its latest report that the Constitution of 1981 recognises freedom of association, of opinion, of religion and of speech. It adds that an exemption from prison work which must be accorded to certain categories of persons might be one possible solution but that in imposing such work the aim of the Government is to help the delinquent to regain a sense of honesty and a taste for work, acquire a trade, and secure retraining and reintegration into society.

The Committee takes due note of these indications. It observes that under Article 20 of the national Constitution constitutional freedoms are exercised within the limits laid down by implementing legislation, and consequently, the texts cited above remain applicable. As regards the imposition of compulsory prison labour, the Committee refers to paragraphs 102 to 109 of its General Survey on the Abolition of Forced Labour, 1979, in which it indicated that if, in the case of common offenders, prison labour is intended to reform or rehabilitate them, the same need does not arise in the case of persons convicted for their opinions and that compulsory labour in any form, including compulsory prison labour, falls within the scope of Convention No. 105 when exacted in one of the five cases specified in Article 1 of that Convention.

Recalling the statement of the Government, in a previous report, that there had not been any case of imprisonment for publication, the Committee hopes that steps will be taken in the near future to ensure, in law and in practice, observance of the Convention either by amending the substantive provisions of the above-mentioned texts or by granting exemption from prison labour to persons sentenced for political offences who have not committed acts of violence, or incitement to violence and that the Government will indicate the measures taken.

The Committee hopes that such revision will also cover a certain number of other statutory provisions which are also relevant to the Convention and regarding which a more detailed request is being sent directly to the Government.

Central African Republic (ratification: 1962)

Article 1(a) of the Convention. In comments made for a number of years, the Committee noted that terms of imprisonment involving compulsory work may be imposed under various legislative provisions for any political activity undertaken outside the framework of the national movement "MESAN" (Act No. 63/411 of 17 May 1963), for the distribution of publications which have been banned as likely to be prejudicial to the edification of the African nation (Act No. 60/169 of 12 December 1960) and for the distribution of uncensored newspapers and news of foreign origin (Order No. 3-MI of 25 April 1969 and Decree No. 70/238 of 19 September 1970).

The Committee notes the information supplied by the Government to the Conference in 1982. According to this information, a draft ordinance and a draft decree which have been under consideration since 1980 and which would exempt from compulsory prison work persons sentenced for political reasons, in particular under the above-mentioned provisions of 1960, 1969 and 1970, are still under consideration by the Ministry of Justice; on the other hand, the "MESAN" movement, which was the object of Act No. 63/411, has disappeared following the adoption of the Constitution of 5 February 1981 and the introduction of the multi-party system. The Committee notes with regret that in its latest report the Government does not indicate the present status of the draft legislation which was to ensure observance of Article 1(a) of the Convention. It also notes that in its report on the 1930 Convention on forced labour, the Government refers to Constitutional Acts Nos. 1 and 2 of 1 and 22 September 1981 the texts of which have, however, not been communicated. The Committee understands that the creation of political parties has been authorised by an ordinance issued in 1979 but that Constitutional Act No. 1 of 1 September 1981 provisionally suspends all political activity as well as trade union activities, as indicated by the Government in its report.

The Committee notes with regret that the necessary action to ensure observance of the Convention has not been taken. It requests the Government to provide the texts of Constitutional Acts Nos. 1 and 2 of September 1981 and of any other provisions governing the exercise of freedom of expression and freedom of association and to provide detailed information on the action taken on the draft ordinance and the draft decree concerning persons sentenced for political reasons as well as on any other measures which may have been taken or may be contemplated to ensure observance of the Convention.

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 eighth 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.¹

Guatemala (ratification: 1959)

Article 1(a) of the Convention. In comments it has been making for several years, the Committee has observed that by virtue of Legislative Decree No. 9 of 10 April 1963 (sections 2 to 5; 6, paragraph 2, and 7) and of Legislative Decree No. 387 of 26 October 1965 (sections 20, 21, 30, paragraph 2, and 122) as well as section 396 of the Penal Code any person carrying on propaganda for a specific ideology, or forming or taking part in any group or association, etc., propounding such ideology, is liable to imprisonment involving compulsory labour. The Committee had noted with interest that, according to the Government's statement, a request had been made to the Supreme Court in 1978 to take note of the Committee's observations and to prepare appropriate draft legislation relating to the provisions conflicting with the Convention.

The Committee takes due note of the Government's statement in its report that the request formulated with respect to the Committee's observations has again been transmitted to the Supreme Court.

The Committee trusts that the necessary steps will be taken in the very near future to bring the legislation into conformity with the Convention and that the Government will supply information on the progress made in this regard and in reply to questions which the Committee is again raising in a direct request.

Guinea (ratification: 1961)

Article 1(b) of the Convention. 1. In comments that it has been making for the past 16 years, the Committee has noted that, by virtue of Decree No. 416/PRG of 22 October 1964, all persons between 16 and 25 years of age are placed at the service of the Organisation for Work Centres of the Revolution, which is aimed at overcoming the technical and economic underdevelopment of the Republic. In reply to the observations of the Committee concerning the conflict between these provisions and Article 1(b) of the Convention (which provides for the suppression of any form of forced or compulsory labour as a method of mobilising and using labour for purposes of economic development), the Government states, in two reports sent in 1982, that the text instituting the Work Centres of the Revolution has never been applied and that a draft decree repealing Decree No. 416/PRG of 22 October 1964 on the Organisation of the Work Centres of the Revolution has been submitted to the Chief of State for his approval.

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

The Committee notes this statement. It recalls that, in 1971, a representative of the Government had stated before the Conference Committee that Decree No. 416/PRG was to be repealed shortly and this had been confirmed by a letter from the Secretary of State in charge of labour matters. Similarly, in 1976 a representative of the Government had declared before the Conference Committee that steps to repeal the 1964 Decree had been taken and that the report on Convention No. 105 would confirm that the abrogation had taken place.

The Committee hopes that Decree No. 416/PRG of 22 October 1964 on the Organisation of the Work Centres of the Revolution will be repealed in the near future and that a copy of the repealing text will be communicated by the Government.

2. The Committee regrets that the Government's reports do not reply to the paragraph in its previous observations relating to Ordinance No. 52 of 23 October 1959 laying down compulsory military service for all male citizens. In comments it has been making for several years, the Committee had noted that, under section 2 of Ordinance No. 52 of 23 October 1959, the active military service may be devoted, if necessary, to the economic development of the country and to building up the infrastructure. The Committee has called attention, in this regard, to paragraphs 24 to 26 of its general report of 1971, in which it had referred to the adoption of the Special Youth Schemes Recommendation, 1970 (No. 136) and to the clarifications that the debate on this instrument at the International Labour Conference had provided concerning the relations between certain compulsory programmes, involving the participation of young persons in activities directed towards economic and social development, and the Conventions on forced labour. The Committee again expresses the hope that the Government will provide full information on the present situation concerning the application of the above-mentioned Ordinance and that it will indicate the measures taken or under consideration, to ensure, in conformity with Article 1(b) of the Convention, that no form of forced or compulsory labour is applied as a method of mobilising and using labour for purposes of economic development.

Communication of legislative texts requested in relation with Article 1(a), (c) and (d) of the Convention. 3. The Committee again notes with regret that the legislative texts which had been the subject of repeated requests are still not available, namely Act No. 45 AN-69 of 24 January 1969 relating to the disclosure of professional secrets and the unlawful communication of State and Party documents; Act No. 64-66 of 21 September 1966 concerning the Code of Penal Procedure; and any other legislation (other than the Penal Code which is already available to the Committee relating to prison labour, the maintenance of public order, the Press and publications, meetings and associations, vagrancy and idleness as well as to the disciplines of seafarers. It again expresses the hope that the Government will supply these texts as in their absence the Committee is unable to ascertain the conformity of the legislation with the provisions of the Convention.¹

Haiti (ratification: 1958)

With reference to its previous observations, the Committee notes with interest that a Decree dated 7 April 1982 has introduced into the Penal Code provisions granting special prison conditions that do not involve compulsory labour to persons sentenced for offences related to

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

the expression of views, for what are known as political offences or for offences relating to labour discipline, and that a Decree dated 29 March 1982 repeals the Decree of 8 December 1960 obliging public servants and employees to be present at their post of duty under the menace of penalties which could include imprisonment (involving compulsory labour).

Kenya (ratification: 1964)

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 from the Government's latest report that it intends to provide a clause in the appropriate labour legislation to ensure the observance of the Convention. The Committee expresses the hope that the necessary action will soon be taken to bring the legislation into conformity with the Convention. Pending the adoption of the legislative measures required, the Committee would ask the Government to supply particulars on the practical application of a number of provisions which have a bearing on the Convention and on which a more detailed request is being addressed directly to the Government.

Nicaragua (ratification: 1967)

1. Article 1(a) of the Convention. The Committee takes note of the report of the Committee set up to examine the representation submitted by the International Organisation of Employers, under article 24 of the Constitution, alleging the non-observance of the Abolition of Forced Labour Convention, 1957 (No. 105), by Nicaragua. In its conclusions, this Committee of the Governing Body states that section 4(c) of the Act respecting the maintenance of public order and security provides for the imposition of penalties involving compulsory labour for offences of opinion defined in terms so general that some are incompatible with Article 1(a) of the Convention and others are at least capable of being interpreted in a manner contrary to the Convention, and that measures should be taken to amend the legislation, in particular as regards the provisions in question, to ensure that the expression of political or ideological opinions cannot give rise to the imposition of sanctions involving compulsory labour. The Committee hopes that the Government will indicate any measure taken to this end.

2. With reference to its observation of 1982 on this Convention, the Committee hopes that the Government will also indicate all measures taken or under consideration to carry out its intention of repealing section 523 of the Penal Code and to amend the provisions of the Labour Code and the Penal Code that provide for restrictions on the peaceful exercise of the right to strike under penalty of imprisonment involving compulsory labour. It also hopes that the Government will state whether the emergency measures ordered by virtue of Decree No. 812 are still in force, that it will supply copies of Decrees No. 388 of 2 May 1980 and No. 5 of 22 July 1979, as amended, and that it will provide any information it may consider useful concerning the observance of Article 1(d) of the Convention in this respect.

Syrian Arab Republic (ratification: 1958)

Article 1(a), (c) and (d) of the Convention. With reference to its earlier comments on certain provisions of the Economic Penal Code, the Penal Code, the Agricultural Labour Code and the Press Act, under which sentences of imprisonment involving an obligation to work may be imposed for acts coming under Article 1(a), (c) and (d) of the Convention, the Committee takes note with interest of the statement by the Government in its report that the draft legislative decree to amend various sections of the Penal Code with a view to ensuring the abolition of all compulsion to perform prison labour has been approved by the Council of Ministers and submitted to the Office of the President of the Republic. The Committee hopes that the Government will shortly be able to report the coming into force of legislative amendments to ensure observance of the Convention and that it will provide a copy of the provisions adopted.

Uruguay (ratification: 1968)

The Committee takes note of the information furnished by the Government to the Conference Committee in 1980 and in its report received in 1982.

1. Prison labour. In its earlier comments the Committee has referred to a series of legislative provisions under which prison sentences involving the performance of compulsory prison labour may be imposed in circumstances falling within Article 1(a), (c) and (d) of the Convention. The Government repeats in its communications that the imposition of compulsory labour on prisoners is equivalent to providing the offender with paid work for the purpose of his social recovery. The Government adds that, although prison labour is compulsory, it is organised so as to enable the prisoners to request the type of work they prefer. The Government also refers to paragraph 89 of the 1979 General Survey on the abolition of forced labour in which the Committee dealt with Article 2, paragraph 2(c), of Convention No. 29.

The Committee recalls, as was stated in paragraphs 102 to 109 of its 1979 General Survey, that, while the purpose of prison labour exacted from common offenders is intended to reform or rehabilitate them, the same need does not arise in the case of persons convicted for their opinions or for having participated in a strike. Furthermore, in the case of persons convicted for having expressed political views, an intention to reform or educate them through labour would conflict with the express provision of the Convention concerning any form of compulsory labour imposed as a means of political education. The Committee has considered that compulsory labour, in any form, including compulsory prison labour, comes within the scope of the Convention where it is exacted in one of the five cases specified therein. The Convention, on the other hand, does not prevent the prisoner having the possibility of working should he so desire.

Article 1(a) of the Convention

2. In its previous comments the Committee has pointed out that section 22 of Act No. 9480 of 1935 on publications, under which restrictions may be imposed on freedom of publication, is incompatible with the Convention, since it provides for prison sentences (involving compulsory prison labour) for laying before the public or distributing foreign publications prohibited by the competent administrative authorities at their own discretion. The Committee again expresses the hope that suitable measures will be adopted to ensure the observance of the Convention in this respect.

Article 1(c) and (d)

3. The Committee has also pointed out that certain provisions of Decrees Nos. 518 and 548 of July 1973 issued with a view to avoiding anomalies in the discharge of services in the public and private sectors and social security bodies and Decree No. 622 of August 1973 on strikes (sections 36(b), 37 and 44, read together with section 165 of the Penal Code), are contrary to the Convention, since they authorise the imposition of prison sentences, involving compulsory labour, as a means of labour discipline and as a punishment for having participated in strikes.

The Committee takes due note of the information provided by the Government to the effect that Decrees Nos. 518 and 548 were adopted during an emergency and were applied only for a very short period in 1973 and that persons placed in prison that year for having infringed these provisions were accommodated during their brief period of imprisonment in a municipal property in the city of Montevideo, with a view to preventing their coming into contact with criminals, and that in this temporary and improvised prison there were no workshops or other places for prison labour. The Committee would be grateful if the Government would state whether Decrees Nos. 518 and 548 are still in force and, if they are, whether it will shortly adopt adequate measures concerning them to give effect to Article 1(c) and (d) of the Convention.

4. In its earlier comments, the Committee has pointed out that Decree No. 622 of 1973 (sections 36 and following), read together with section 165 of the Penal Code, provide for the imposition of restrictions on the exercise of the right to strike which are enforceable with imprisonment, involving an obligation to perform labour, and thus contrary to the Convention. The Committee notes that this Decree was partially repealed by Act No. 15137 of 12 May 1981 on occupational associations, that the Government intends to issue regulations shortly governing and defining the right to strike and that a committee is working on the corresponding draft.

The Committee hopes that this draft will take account of the fact that, under Article 1(d) of the Convention, States which ratify it undertake to suppress and not to make use of any form of forced or compulsory labour as a punishment for having participated in strikes.

The Committee also recalls that, as was indicated in paragraphs 120 to 132 of its 1979 General Survey on the abolition of forced labour, it considers the prohibition laid down in the Convention not to apply to certain circumstances in which persons who have taken part in illegal strikes may be punished and that for this reason it has to analyse in every case the national restrictions placed on the right to strike.

The Committee has considered that the Convention does not proscribe the imposition of penalties, even involving the obligation to perform labour, for participation in strikes in essential services in the strict sense, i.e. in those whose interruption would endanger the life, personal safety or health of the whole or part of the population, provided that there are compensating guarantees in the form of appropriate alternative procedures for the settlement of the disputes. The Committee has noted that section 165 of the Penal Code and sections 37, 38, 43 and 44 of Decree No. 622 are so wide in scope that they provide for the imposition of penalties involving compulsory labour on persons participating in strikes, outside such cases.

The Committee has also accepted, despite the unconditional language of the Convention, that certain procedural requirements may be

incorporated in national laws. However, the imposition under section 36(b) of Decree No. 622 of the requirement for a secret vote of the majority of active workers concerned by the claim and of all those in the undertaking directly or indirectly affected by the dispute before a strike may be declared and every time solutions are proposed derogates from the exercise of the right to strike in practice and is not compatible with the Convention, since a strike declared without the prescribed vote may be punished with a penalty involving the obligation to perform labour.

The Committee requests the Government to reconsider its position in the light of these indications and to supply shortly information on legislative measures adopted or under consideration to ensure the observance of the Convention on this point.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Bahamas, Benin, Burundi, Central African Republic, Chad, Comoros, Grenada, Guatemala, Guinea, Iraq, Jordan, Kenya, Papua New Guinea, Seychelles, Sierra Leone, Somalia, Sudan, Uruguay.

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

Angola (ratification: 1976)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the General Labour Act, No. 6/81 of 24 August 1981, and of Decree No. 61/82 of 3 August 1982, which guarantees to all workers a weekly rest period of at least 24 consecutive hours.

Cyprus (ratification: 1968)

The Committee notes with interest the statement by the Government in its report in reply to the previous observation that the Ministry of Labour and Social Insurance is considering the issuance of an Order to provide expressly for (a) a weekly rest period and (b) a compensatory rest, that it has sought the advice of the Attorney-General and that it will consult the workers' and employers' organisations on the Labour Advisory Board during 1983. It hopes that the Order will be adopted in the near future to bring the national legislation into conformity with the Convention and that the Government will supply information on any progress made in this regard.¹

Egypt (ratification: 1958)

The Committee notes with satisfaction that the provisions of sections 136 and 137 of the 1981 Labour Code guarantee a weekly rest period to all workers and so give effect to Article 7 of the Convention, which was the subject of its earlier comments.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

Article 8, paragraph 3, of the Convention. Section 140 of the 1981 Labour Code provides that where the work performed by virtue of the temporary exceptions laid down by section 139 of the Code is performed during the weekly rest day the wage payable for that day shall be twice the normal rate, unless the worker takes his rest day on some other day in the following week. The Committee wishes to point out that, in such cases, the Convention requires that compensatory rest shall be granted to the workers irrespective of any additional pay. It asks the Government to take the necessary measures to bring the national legislation into conformity with this provision of the Convention.

Kuwait (ratification: 1961)

The Committee notes the information supplied by the Government in reply to its previous observation.

Article 2 of the Convention. The Committee notes the statement of the Government that a draft amendment of the Labour Law provides a weekly rest period of 24 hours to casual workers. It hopes that the amendment will also include the extension to workers in undertakings employing fewer than five workers and that it will soon be adopted to give full effect to this Article of the Convention.

Article 8, paragraph 3. The Committee notes with satisfaction that Ministerial Decision No. 54 of 1982 provides for the granting of a compensatory rest day during the following week in case work is done on the weekly day of rest, irrespective of any compensatory wage.

Syrian Arab Republic (ratification: 1958)

Article 8, paragraph 3, of the Convention. The Committee notes that the Government's report has not been received. It takes note, however, of the information provided by the Government to the Conference Committee in 1982 that a draft amendment of the Labour Code which would give compensatory rest to workers who have worked during the weekly days of rest has been sent to the Council of Ministers.

The Committee points out that the Government has been referring for many years to draft texts that should bring the national legislation into conformity with the Convention on the above-mentioned point. It expresses once more the hope that the Government will not fail to take the necessary measures very shortly to give full effect to this provision of the Convention.¹

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Bolivia, Colombia, Comoros, Djibouti, Indonesia, Iran, Jordan, Lebanon, Morocco, Saudi Arabia, Suriname.

Information supplied by Cuba, Denmark and Guinea-Bissau in answer to a direct request has been noted by the Committee.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

Convention No. 107: Indigenous and Tribal Populations, 1957Bangladesh (ratification: 1972)

The Committee notes with regret that once again the Government's report on the application of this Convention is very brief, and contains no reply to a number of the questions raised in previous direct requests. As has already been stated in earlier comments, it is necessary in evaluating the application of this Convention to have available a wide spectrum of information on all the programmes being carried out in connection with the indigenous and tribal populations of the country.

The Committee also notes that there have been reports of conflicts, which at times are said to have become violent, in the Chittagong Hill Tracts which are inhabited by 13 tribal groups. The Committee hopes that the Government will include in its next report detailed replies to the questions raised in the request which is being addressed directly to it, in order that the Committee may take into account the information supplied by the Government in evaluating the application of the Convention in these areas in particular.¹

Bolivia (ratification: 1962)

The Committee notes that the report dated October 1981, to which the Government representative referred in the discussion on the application of this Convention in the Conference Committee in 1982, was received by the Office in July 1982. A number of matters dealt with in this report are examined in a request which is being sent directly to the Government. The Committee hopes that the Government will furnish a further detailed report for examination at its next session.

Concerning the statement made to the Conference Committee by the Government representative in 1982, the Committee is aware that the situation of the forest-dwelling indigenous populations differs considerably from that of the more settled indigenous populations in the western, or Sierra, portion of the country. The latter are composed in their majority of persons of indigenous descent, and form the largest population group in the country. The Committee does not consider that the Convention applies to these settled rural populations to the same extent or in all the same ways as it does to the forest-dwelling indigenous populations. It recalls, in this connection, that Article 3, paragraph 2(b) of the Convention provides that the special measures for the protection of the populations covered by the Convention, required under paragraph 1 of the same Article, should be continued only so long as there is need for special protection and only to the extent that such protection is necessary. These populations are, however, still covered by the Convention. It is for this reason that the Committee has divided its previous comments into two parts, so as to treat the problems encountered by the two kinds of indigenous populations in a manner appropriate to their different situations.

The Committee recalls that the Government has indicated that because of its lack of resources, it has delegated responsibilities relating to the forest-dwelling indigenous populations to the Summer Institute of Linguistics, a religious missionary organisation. Contact has been made between the International Labour Office and the

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Government with a view to improving the Government's ability to implement the provisions of this Convention, and the Committee hopes that this will lead to the Government's being able to assume the primary responsibility for the implementation and supervision of activities relating to these populations, as required in Article 2 of the Convention. The Committee requests the Government to provide with the next report a copy of the most recent agreement between the Government and the Institute, as well as further information on the extent of the Institute's activities in the country.¹

Colombia (ratification: 1969)

The Committee notes the information in the Government's report, which does not, however, reply to the points raised in the Committee's previous observation. The Committee recalls that the Government had 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, and that a first visit for this purpose was carried out in 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 formulated a programme of indigenous development recommending measures which should be taken in this area.

In its latest report, however, the Government has not communicated any information on further developments in this connection. The Committee requests the Government to indicate in its next report whether plans for the revision of the legislation affecting indigenous populations are going forward. It understands that further advice from the International Labour Office can be made available if the new legislation which was envisaged has not yet been adopted, and hopes that in formulating the terms of any such new legislation the provisions of the Convention and the Office's comments on the earlier draft will be taken into account. The Committee would also be grateful if the Government would indicate whether the programme of indigenous development referred to previously is being implemented, and requests it to provide detailed information on any activities carried out under it.¹

Pakistan (ratification: 1960)

The Committee has noted with interest the information provided by the Government in its report. It notes, however, that the report does not contain the detailed information necessary to assess fully the situation of the tribal populations of the country in connection with the various and complex questions raised under this Convention. It therefore hopes that the Government will provide in future reports more detailed information on the situation of these populations, including any general studies or surveys which may have been carried out on their living and working conditions.

The Committee has also noted, in the request being addressed directly to the Government, that there appears to be no system for co-

¹ The Government is asked to report in detail for the period ending 30 June 1983.

ordinating development projects and other activities for all the tribal populations of the country, as required by the Convention. It has therefore suggested that the Government may wish to seek the assistance of the International Labour Office in devising a system for co-ordination of all aspects of development and protection for the tribal populations.¹

Paraguay (ratification: 1969)

As no report has been received for examination this year, the Committee is repeating its previous direct request. It hopes that the Government will furnish a detailed report for examination at its next session, containing full information in particular on the following two matters.

The Committee notes with satisfaction the adoption of the Statute of Indigenous Communities, Act No. 904 of 10 December 1981, and recalls that it has stressed for some years the need for new legislation concerning the indigenous populations of the country. It hopes that in its next report the Government will provide detailed information on the working of the new legislation and on any regulations which may have been adopted under it.

With regard to land rights, the Committee recalls that it has been raising questions on this subject for some years. It notes that the new legislation contains provisions which provide for procedures to allow indigenous populations to acquire title to lands. In view of the importance of land rights to the survival of indigenous groups, the Committee hopes that the Government will provide information on the amount of land which has now been registered in the name of indigenous communities and on the number of requests for registration which have been received; and that it will provide information on the present situation by answering the questions in the report form under Articles 11 to 14 of the Convention.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bangladesh, Bolivia, El Salvador, Guinea-Bissau, India, Mexico, Pakistan, Paraguay, Peru.

Convention No. 108: Seafarers' Identity Documents, 1958

Italy (ratification: 1963)

In its observation of 1980, the Committee noted that a model seafarers' identity card had been worked out and was awaiting the approval of the competent ministry. It regrets to note that the last report of the Government provides no further information in this connection. It hopes that the Government will be able to enclose with its next report a specimen of the approved identity card and that this document will comply with the requirements of the Convention and may remain in the seafarer's possession at all times, as provided by Article 3.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

The Committee once more asks the Government to provide details on the application of Article 6 of the Convention (right of entry of a seafarer holding a valid seafarer's identity document issued by another country).¹

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Guinea-Bissau, Honduras, Romania.

Convention No. 110: Plantations, 1958

Guatemala (ratification: 1961)

With reference to its observation of 1982, the Committee takes note with interest of the additional report supplied by the Government, in which it states that the Ministry of Labour has prepared the necessary standards to supplement the legislation on the points raised in paragraphs 1, 2 and 3 of the observation. It also notes that the Ministry of Labour is preparing a special training course to increase the powers of labour inspectors, in particular those assisting in agricultural labour inspection. The Committee requests the Government to supply with its next report information on the progress made in these matters and on the other points raised in its previous observation, which was worded as follows:

1. In respect of measures to ensure the application of Articles 11 to 15 of the Convention, the Government's report refers to the self-executing nature of these provisions, which are supplemented in their main aspects by provisions of national law. The report also quotes section 33 of the Labour Code which provides for reasonable transport expenses to be paid by the employer to the workers and, where appropriate, to their families. The Committee wishes to point out that the Articles in question of the Convention in most cases are not self-executing and require the competent authority not only to prescribe conditions to be observed but also to ensure that such conditions are effectively observed as regards the medical examination (Article 11, paragraphs 3 to 5) and the transportation of recruited workers and their families including their health and welfare during their journey (Article 12, paragraphs 2 and 3; Article 15). As the Committee has pointed out in its earlier comments, existing national provisions are not adequate to give effect to the Convention on these points. For instance, section 33 of the Labour Code merely requires reasonable expenses to be paid by the employer for the journey of the worker and his family while Article 12, paragraph 1, of the Convention requires that the recruiter or employer shall, whenever possible, provide transport to the place of employment and Article 13 requires that expenses of the journey, including all expenses incurred for the protection of recruited workers during the journey shall be borne by the recruiter or employer and also that the latter shall furnish recruited workers with everything necessary for their welfare during the journey. The Committee trusts accordingly

¹ The Government is asked to report in detail for the period ending 30 June 1983.

that the Government will take the necessary legislative and supervisory measures to ensure the full application of the provisions of Articles 11 to 15 of the Convention.

2. The Committee reiterates the hope that statutory measures will be adopted very shortly:

- (i) to limit the advances on wages that may be made to recruited workers in accordance with Article 16 of the Convention;
- (ii) to lay down the maximum period of service that may be provided for in a contract of employment, in accordance with Article 20 of the Convention.

3. The Committee refers to its 1981 comments on allegations of abuses as regards recruitment, advances on wages, housing and welfare of plantation workers (report submitted by the Anti-Slavery Society for the Protection of Human Rights to a United Nations Working Group, document ECN.4/sub.2/410). It would stress again the utmost importance of the effective working of the labour inspectorate which, in the event, is not only responsible for supervising application of relevant provisions concerning conditions of employment and of life of plantation workers but also for authorising and supervising the activities of recruiting agents.

In this connection, as the Committee has noted under Convention No. 81, the Government has communicated the published inspection report for 1980. The Committee observes, however, that while the report indicates that the inspections carried out also included undertakings of the agricultural sector, no specific information is supplied, as requested by the Committee since 1966, on the practical operation of the inspection services on plantations. The Committee notes the statement made by a Government representative to the Conference Committee in 1981 that labour inspection in plantations come within the purview of the Ministry of Agriculture. The Committee must once again request the Government to indicate the number and frequency of inspections carried out on plantations (Article 81 of the Convention) and to provide copies of inspection reports relating to plantations (Article 84).

4. The Committee also refers to the observation it is making this year on Convention No. 87.

5. Finally, the Committee notes that the Government representative stated to the Conference Committee in 1981 that the Government intended to request direct contacts to help it apply the Convention. The Committee recalls that various provisions giving effect to Articles of the Convention were adopted as a result of previous direct contacts. It shares the hope expressed by the Conference Committee in 1981 that new direct contacts would lead to further improvements in the application of the Convention.

*
* *

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

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

See under Convention No. 29.

Algeria (ratification: 1969)

In direct requests it has addressed previously to the Government, the Committee has referred to section 33 of Act No. 78-12 of 5 August 1978 respecting the general conditions of employment of the worker, under which a worker - and particularly a worker holding a managerial or responsible position - shall in his work seek constant guidance in the principles laid down in the National Charter, the source of ideological and political inspiration for the institutions of the Party and the State, and in the guidelines and directives issued by the political authorities of the nation. The Committee has asked the Government to indicate the measures taken or under consideration to ensure that the application of these provisions does not lead to discrimination on the basis of political opinion.

The Committee notes the statement of the Government in its last report that the various texts to be issued under the Act of 5 August 1978 are being drawn up and will be communicated as soon as they are adopted and published. The Committee observes that, unlike certain other non-self-executing provisions of the Act of 5 August 1978, which are the subject of questions addressed direct to the Government, section 33 is directly applicable with the coming into force of the Act. The Committee also observes that Act No. 82-06 of 27 February 1982 respecting individual employment relations, which refers among other things to the Act of 5 August 1978, prohibits, in section 8, only discrimination on the basis of sex and age. Section 25 of this Act, which prohibits all discriminatory action by the employing body, widens the scope of discriminatory measures, in comparison with section 8, to include distinctions on the basis of family connections, trade union membership and regional origin, but does not mention other aspects of discrimination expressly covered by the Convention, such as religion or political opinion.

The Committee hopes that measures will be taken to ensure that religion and political opinion cannot give rise to discrimination in respect of employment or occupation, particularly in relation to section 33 of Act No. 78-12 of 5 August 1978 respecting the general conditions of employment of the worker, and that the Government will provide information on any provision adopted or under consideration to this end.

Argentina (ratification: 1968)

The Committee takes note with interest of the information supplied by the Government in its statement to the Conference in 1982 and in its last report.

In its earlier comments the Committee referred to the provisions of sections 8(g) and 33(g) of Act No. 22140 of 1980 respecting the basic terms and conditions of employment in the public service, under which entry to the national public administration can be refused and public servants can be dismissed for belonging or having belonged, in the country or abroad, to groups or bodies that, through their

doctrine, advocate the denial of the principles of the Constitution or for adhering themselves to a doctrine of this kind. The Committee requested the Government to indicate the measures adopted or under consideration in this connection to ensure the observance of the provisions of the Convention concerning the elimination of discrimination on the basis of political opinion. The Committee had made it clear that punishment for personal or group responsibility for the promotion or use of illegal force, also covered by the sections referred to, is outside the scope of the Convention. The Committee took due note of the statement by the Government in 1981 that the provisions in question constitute clauses for the safeguarding of the basic principles of the institutions of the community, in accordance with Article 4 of the Convention, and that the national Constitution guarantees the right to work, the equality of all the inhabitants, who are eligible for employment on no other condition than suitability, and the possibility of judicial redress and of the appeals procedure laid down by law in the event of dismissal. The Committee then pointed out that the exceptional measures taken since 1974 superseded the provisions of the national Constitution and that Article 4 of the Convention refers only to measures affecting an individual and not to provisions restricting employment in the public service in a general way which conflict with the main principle of protection from discrimination in employment on the basis of political opinion.

The Committee takes note with interest of the statement by the Government concerning its desire for consultations with the ILO to study the differences on the Convention and concerning the profound institutional changes that have occurred in the country in respect of political activity. In particular the Committee takes note of the adoption of Act No. 22617 of 16 July 1982 repealing Act No. 21323 of 1976, which laid down penalties for carrying on political activities, of Act No. 22624 of 6 August 1982 respecting amnesty for infringements of Act No. 21323, and the Basic Act respecting Political Parties, No. 22627 of 26 August 1982, which guarantees to citizens the right to political association for the formation of democratic political parties and to groups, the right to come into existence, to organise, to administer themselves and to function freely as political parties, together with the right to obtain legal personality (section 1). The Committee takes due note of the statement by the Government that the country is returning to the full rule of the Constitution and that the conditions prevailing today will make it possible to guarantee the effective observance of the Convention.

With particular reference to sections 8(g) and 33(g) of Act No. 22140, the Committee takes note of the statement by the Government to the Conference in 1982, in which it emphasised that any organised State has the inalienable right to preserve its administrative framework, excluding from it persons who, by their action or by the expression of their doctrines, aim at attacking the principles, rights and constitutional guarantees of the conduct of organised society. The Government also insisted that the legislation does not restrict the expression of political opinion or embody any discrimination in this respect and that, therefore, the safeguards established by it in no way result in a general limitation on employment in the public service. The Committee wishes to point out, as it has done on earlier occasions, that the Convention, in protecting workers against discrimination on the basis of political opinion, implies that protection must be afforded also in respect of activities expressing or demonstrating opposition to established political principles, since the protection of opinions which are neither expressed nor demonstrated would be pointless. The Committee therefore considers that the expression of political opinions cannot be excluded from the protection laid down by the Convention on the grounds that it is an act for the propagation of

certain doctrines. The Committee has also pointed out earlier that the protection afforded by the Convention is not limited to mere differences of opinion within the framework of established principles. Accordingly, even if certain doctrines aim to bring about fundamental changes to the institutions of the State, this cannot constitute a reason for considering that the propagation of the doctrines in question is outside the scope of the Convention.

The Committee hopes that, in the light of the above considerations, the Government will re-examine its position and that, in keeping with the progress that has been achieved so far, it will supply information on the measures taken or under consideration to ensure that access to employment in the national public administration and employment in it are not subject to discrimination on the basis of political opinion.

Belgium (ratification: 1977)

1. The Committee notes with interest the adoption of the following laws and regulations:

- Royal Order of 3 February 1981 opening to women all ranks and functions in the five branches of the Belgian armed forces;
- Royal Order of 27 July 1981 providing that henceforth both male and female employees of the State may obtain leave of absence to look after a child; three Royal Orders dated 10 February 1981 granting all members of the staff of state teaching establishments, long leave of absence for family reasons, whichever the sex of the employee; and the Royal Order of 16 November 1981 replacing the nursing leave granted to female state employees by parental leave granted at the request of either the male or the female employee of the State;
- two Royal Orders of 10 September 1981 and 14 December 1981 amending the Royal Order of 30 January 1967 granting a housing or residence allowance to the staff of ministries; henceforth men and women are treated on an equal footing in this respect;
- the Act of 29 June 1981 laying down the general principles of social security for wage earners, which gives formal expression to the political intention of gradually achieving equality of treatment between men and women in respect of social security; it prescribes that the Crown shall take the necessary measures to adapt and harmonise the legislation governing sickness and disability insurance, family allowances, unemployment insurance and annual leave, measures that shall relate more particularly to the concepts of breadwinner and dependant, to the differences in the conditions applicable to the grant of certain benefits, to the differences relating to the burden of proof and to the differences in the method of calculation and the rates of certain forms of compensation;
- the Royal Order of 30 June 1980 providing that the male person looking after the household of a female beneficiary shall henceforth be entitled to sickness and disability insurance by virtue of the right of this beneficiary, whereas previously only the housewife was entitled to it;
- the Act to reorganise pensions in the social sector dated 10 February 1981, section 31 of which makes the minimum rate of retirement pension for wage earners the same for persons living alone of both sexes;

- the Royal Orders of 23 January 1980 and 23 March 1982 amending section 229 of the Royal Order of 4 November 1963 respecting compulsory sickness and disability insurance; as a result of the amendments, the married beneficiary is regarded as a worker with a dependant in the same conditions, whether a man or a woman.

2. The Committee takes note with interest of the detailed information provided by the Government in its reports for the period from 1 July 1980 to 30 June 1982 on the bodies set up to promote equality of opportunity and treatment for men and women and on their activities. It notes in particular that the Committee on Women's Work has started to examine the protective provisions and has issued many opinions at the request of the Government and the courts or on its own initiative, including one on a draft royal order to fix the cases in which sex may be mentioned in the conditions governing access to a job or a vocational activity, others on several applications for exemption, on disputes concerning the application of the legislation and on the fields in which measures to rectify actual inequalities affecting the chances of women in respect of training and employment might be taken. It notes that this Committee has been responsible for the distribution of posters intended to encourage women to choose occupations that are not traditionally feminine and has issued a practical guide "How to draft a non-discriminatory offer of employment" and a pamphlet explaining the legislation; it has organised study days and sponsored a study for the development of vocational training intended to list the forms of training for the employment and promotion of women and to identify the undertakings organising vocational training for new occupations for women that would improve their occupational situation. The Committee also notes with interest the success of a pilot experiment to train and set to work in non-traditional occupations two teams of five unemployed women, and hopes that the Government will continue to provide information on the numerous legislative and practical actions undertaken in the field covered by the Convention, some of which are also the subject of a direct request to the Government.

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 note of the information furnished by the Government in its statement to the Conference Committee in 1982 and in its report.

1. Article 8 of the Constitution. In its previous comments, the Committee referred to the provisions of the 1980 Constitution and expressed, in particular, its concern over the provisions of Article 8, which may result in the exclusion from the scope of the constitutional and legal guarantees against discrimination in employment of persons who express certain political opinions or ideas that are not in conformity with the opinions of the authorities. The article in question declares illegal and contrary to the constitutional order of the Republic any act of a person or group intended to propagate certain doctrines, including those advocating a conception of society, the State or legal order "of totalitarian character or based on class war". The same article provides that persons who have been found, by the constitutional court, to have contravened these provisions shall be barred for ten years from access to any public office or appointment and that, if they should already hold a public office or appointment, they shall lose it automatically; and that during the period in question these persons shall not be directors of teaching establishments, teachers or trade union leaders or exercise any function in information media connected with the publication or diffusion of opinions or information. In its previous observation the Committee pointed out once more that the protection afforded by the Convention against discrimination on the basis of political opinion must also apply to activities expressing or demonstrating opposition to the established political principles and that it could not be argued against this that they were acts of propagating particular doctrines; that the procedural guarantees existing for the application of the provisions of the Constitution did not suffice to ensure the observance of the Convention, in addition to which it might be expected that the expression of views proscribed by the Constitution would, even in the absence of a decision by the Constitutional Court, be taken into account in decisions concerning the appointment and retirement of public officials, particularly in view of the unrestricted powers conferred on the Government in this respect by various legislative texts; and that Article 8 of the Constitution, by reason of the breadth of its provisions, appears not to respect the limits of Article 4 of the Convention.

The Government states in its report that the principle of equality is fully embodied in the Constitution, which is even more stringent than the Convention in respect of the possibility of practising discrimination in the field of labour. The Government maintains that the provisions of Article 8 of the Constitution refer to criminal conduct, establish a court to deal with infringements of these provisions, lay down procedure and empower the court to impose the penalties of the Constitution and the law in the event of infringements. Firstly, the conduct liable to punishment is any act of a person or group intended to propagate particular doctrines, it being understood, in accordance with the proceedings of the Committee for the Study of the New Constitution, that it is a question of an "act", that is to say of positive conduct or action and not of omission or of thought; that the act must be intended to propagate the doctrine in question, that is to say to disseminate them with the purpose of gaining followers; and accordingly that the following are not included: scientific or academic analysis and the affirmation of an idea for purposes other than proselytism or indoctrination with a view to propaganda, in short that the dissemination of a doctrine on no account corresponds to the above-mentioned criminal case. Secondly, the Government considers that the penalties laid down, which consist in barring the persons convicted from specified offices or appointments do not constitute discrimination any more than other penalties restricting specific rights of personal freedom. Thirdly, the infractions under the above-mentioned Article 8 come before the constitutional court, which follows a rational and equitable procedure. The Government

states that it is the law or the administrative authority that can discriminate between those who are governed and it is precisely the role of the court to determine whether there has been discrimination or not in accordance with what is licit or whether the discrimination amounts to a violation of fundamental rights. The Government maintains that the Constitution does not provide for barring persons from office for the propagation of certain doctrines, as stated by the Committee in its previous comments, but that, under Article 8 this barring is a penalty restricting specific rights other than personal freedom, which can be imposed by the constitutional court only following legal process. The Government asserts that the situation provided for by Article 4 of the Convention has no relation with Article 8 of the Constitution, which, in this respect, restricts far more the possibility of practising discrimination in employment or occupation and provides the safeguard of a special legal machinery. The Government concludes that there is no contradiction between the provisions of the section of the Constitution in question and the Convention, since they are of different legal character and govern different matters and that to accept the criterion of the Committee would imply a violation of the sovereignty of States Members in respect to the definition of crimes in their Constitutions and legislation.

The Committee points out again that the Convention provides protection against all discrimination in employment or occupation on the basis of political opinion, and recalls its view that this protection must also be afforded in respect of activities expressing or demonstrating opposition to the established political principles. The Convention does not permit the establishment of distinctions, exclusions or preferences based on the intention motivating a person who expresses or demonstrates his or her opinions.

With regard to the reference made by the Government to penalties restricting rights, the Committee points out that such penalties, including those concerning political rights, are outside the scope of the Convention where they do not constitute discrimination in respect of employment or occupation in the sense of Article 1 of this instrument. On the other hand, the fact that discrimination laid down in a provision is put into effect not by administrative decision but by a court decision, even accompanied by procedural guarantees, does not remove it from the scope of the Convention.

With regard to the sovereign power of States over their legislation, the Committee wishes to remind the Government that, under Article 3(c) of the Convention, each Member for which it is in force undertakes, by methods appropriate to national conditions and practice, to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy of equality set forth by the Convention.

The Committee hopes that the Government will re-examine its position and that it will indicate measures taken or under consideration to give effect to the Convention on this point.

2. Measures affecting persons in the public service. In its earlier observations the Committee referred to Legislative Decree No. 2345 of 17 October 1978, which makes the Minister of the Interior responsible for carrying out the policy of debureaucratising the administration and making it more flexible and provides, in section 5, that the Government may terminate employment of any person employed in the administration of the State or in state or municipal enterprises in any capacity whatever, irrespective of any other requirement or legal provision and in particular of any privileges or guarantees of security of tenure, and without regard to the administrative regulations laid down by Legislative Decree No. 338 of 1960 or similar basic provisions.

The Committee also referred to other texts that afford the authorities very wide powers in relation to public servants. Legislative Decree No. 3410 of 16 May 1980, published in the Official Gazette of 28 May 1980, provides that the specific discretionary powers of the President of the Republic to assign staff have been exercised and will be exercised irrespective of any privilege or guarantee of security of tenure that may have applied or may apply to the staff of the service concerned. Legislative Decree No. 3357 of 12 May 1980, published in the Official Gazette of 24 May 1980, empowered the Minister of Education, for a period of one year, to transfer teachers from the places where their work centres were situated, without regard to the provisions of Legislative Decree No. 2327 of 1978 on functions and assignments in the teaching profession, non-compliance with the new assignment being regarded as non-voluntary resignation. In this regard, the Committee has noted the information contained in certain reports submitted to the General Assembly of the United Nations by the special reporter appointed by the Commission on Human Rights concerning the dismissal of a considerable number of teaching staff, especially university professors, apparently for political reasons. With reference to Legislative Decree No. 2345, the Committee has recognised that in certain circumstances it may be necessary to take decisions affecting public servants. It has stated, however, that it is important that the criteria of justifying such measures should be clearly stated in the relevant legislative texts, as in the administrative regulations laid down by Decree No. 338 of 1960. The Committee has noted the statement by the Government that the powers granted by Legislative Decree No. 2345 have been applied in practice in accordance with certain criteria but has expressed its concern that this Legislative Decree expressly permits the Government to terminate employment without restrictions or guarantees. The Committee added that, in these circumstances, there is little significance in the fact that no person dismissed under the Legislative Decree in question has appealed to the court of appeal for the protection of his rights. Moreover, in view of the provisions of Article 8 of the Constitution already referred to, it seems that persons who propagate doctrines proscribed by this provision are not considered suitable for exercising any public office and are therefore liable to be dismissed by the administration under Legislative Decree No. 2345, in accordance with the criteria that the Government states to be used in practice.

The Committee has expressed its hope that the Government will make a thorough examination of the various legislative provisions mentioned, in the light of the provisions of the Convention and the comments of the Committee, with a view to ensuring that decisions concerning the appointment, assignment of functions, transfer and termination of employment of public servants are again subject to criteria and guarantees expressly laid down in the legislation, such as those contained in the Administrative Regulations of 1960.

The Committee notes with interest that Legislative Decree No. 3357 has been repealed; it requests the Government to supply information on the transfers and non-voluntary resignations that took place while it was in effect.

In its report, the Government repeats its previous statements concerning the underlying reasons for the texts referred to and the criteria referred to in giving effect to them. The Government states that the Committee has not raised objections to these texts but has expressed its concern at the arbitrary measures to which they might give rise and it maintains that these texts are in conformity with the Constitution and the Convention. The Government states that the legislative decrees in question provide for differences to be established on the basis of the common good or general interest, and

that the discretionary powers they confer on the Minister of the Interior and the President of the Republic in respect of personnel are not absolute but governed by the Constitution and the law, that the persons concerned have the right to appeal in the event of arbitrary application, apart from the fact that under the Constitution, administrative rules are subject to prior vetting and control, a posteriori, so that those who may be affected by arbitrary discrimination are sufficiently protected in their fundamental rights. The Government emphasises that it is only exceptionally that the administrative authority has made use of the powers conferred on it by the above-mentioned legislative decrees and repeats that no person has introduced an appeal for defence against the measures adopted under the legislative decrees in question or any appeal alleging that they are unconstitutional and therefore not applicable.

The Committee recalls that the discretionary power to move staff in the public administration, under Legislative Decrees Nos. 2345 and 3410, leaves room for the adoption of arbitrary decisions contrary to the Convention without allowing the persons concerned to defend themselves effectively, although there are provisions for appeals and a system of control, precisely because under the express provisions of these legislative texts, such decisions are subject to no restriction or guarantee. The Committee observes that the situation continues to give rise to concern, particularly in view of the provisions of Article 8 of the Constitution those of Legislative Decree No. 3357 of 1980, which authorise the transfer of teachers without regard to the requirements of Legislative Decree No. 2327 of 1978 on the teaching profession, and the information on the dismissal of a considerable number of teachers, apparently for political reasons, mentioned in its previous comments.

The Committee again requests the Government to adopt the necessary measures to ensure that decisions concerning employment in the public service are again subject to criteria and guarantees expressly laid down in the legislation and ensuring observance of the Convention, and hopes that the Government will soon indicate progress made to this end.

Colombia (ratification: 1968)

The Committee notes the observation submitted in November 1982 by the General Confederation of Labour concerning the application of the Convention. A copy of this observation was communicated to the Government in November 1982 to enable it to offer any comments it might consider appropriate. In its observation, the union alleges that, notwithstanding the legal provisions mentioned in the report of the Government, discrimination on the basis of political opinion does exist in Colombia. The General Confederation of Labour states that no true administrative career is possible because stability of employment is not guaranteed for the majority of civil servants, who are liable to lose their job on account of the administrative procedure under which a post may be abolished at any time without just cause. It alleges that this system, combined with the allocation of posts in the public administration on the basis of quotas reserved by political leaders, is contrary to the provisions of the Convention.

In the absence of a reply dealing with the substance of these allegations in the report of the Government, the Committee requests the Government to provide all relevant information, in law and in practice, particularly concerning: (a) the procedures of recruitment and promotion in the public service at both the local and the national levels, the criteria employed in this regard and the system of quotas

which is alleged to exist by the General Confederation of Labour; (b) the procedure under which the administration may abolish a post and any guarantees afforded to officials whose posts are abolished; (c) any appeal procedure open to officials, employees and applicants for posts in the administration who consider themselves to be the victims of discrimination.

Czechoslovakia (ratification: 1964)

In its previous observations, the Committee had referred to various questions arising out of the examination by the Governing Body of the International Labour Office of a representation under articles 24 and 25 of the ILO Constitution concerning dismissals and other measures taken against workers who had signed or supported the manifesto known as "Charter 77", the report on which had been published in the Official Bulletin, Vol. LXI, 1978, Series A, No. 3, Supplement.

The Committee had noted the Government's statement that the dismissals referred to in the representation had nothing to do with the workers' political opinions. In the Government's view, the persons concerned did not limit themselves to criticism or to expressing political opinions but carried out activities prejudicial to the security of the State. The Government observed that in the overwhelming majority of cases a further reason for dismissal was that the concrete action was prejudicial to the operation of the enterprises and organisations concerned because it was at variance with work discipline, and in certain cases the persons concerned were public servants who could, in accordance with Article 1, paragraph 2, of the Convention, be expected to respect the constitutional principles of the Czechoslovak Socialist Republic. The Government had added that since the beginning of 1978 there had been no cases of termination of employment at the initiative of the employer that would give rise to doubts about the application of the Convention and that in recent years, the ground of "endangering the security of the State" had not been used at all for dismissal. However, in order to forestall potential future inconsistency with the Convention in cases of dismissal on that ground, all members of the Czechoslovak Chamber of Commerce and Industry had been invited to interpret "endangering the security of the State" to be an activity endangering the integrity of the state order, the integrity of the state territory, defence capacity, international relations of the State and of state bodies, and state secrets.

Finally the Government indicated that the Federal Ministry of Labour and Social Affairs was evaluating the application of individual sections of the Labour Code and that this might lead to drafting amendments. If so, the need for close coherence of the labour law with ILO Conventions and Recommendations would be borne in mind.

In comments examined by the Committee in 1982, the International Confederation of Free Trade Unions had recalled both the statement made by the Public Prosecutor of the Republic on 31 March 1977 that the declaration known as "Charter 77" was in itself a potential danger to the socialist and state system of the Republic, and the court decisions based on that statement. The ICFTU stressed that the opinion of the Public Prosecutor had not changed. Moreover, the Supreme Court, in its evaluation of court practice in the application of Law No. 20 of 1975 published in the Digest of Court Decisions No. 9-10/1978, had accepted an interpretation of section 46(1)(e) of the Labour Code which practically dismantled the significance of the amendments to the Code made in 1975. According to that interpretation, an organisation might dismiss a worker for non-compliance, through no fault of the

organisation, with requirements that are an essential condition for the proper performance of his work; such requirements did not have to be established by any law or regulation and could be related to the kind of work done or function held, to facts described as civic engagement, moral and political qualities of the worker, etc. The ICFTU considered that this interpretation of the Supreme Court practically confirmed that an organisation may dismiss anybody for political reasons and that such a decision will be upheld by the courts.

For its part, the Committee had recalled that, in protecting workers against discrimination on the basis of political opinion, the Convention implies that this protection shall be afforded to them also in respect of activities expressing or demonstrating opposition to the established political principles, since the protection of the Convention is not limited merely to simple differences of opinion within the framework of established principles and, on the other side, the protection of opinions which are neither expressed nor demonstrated would be pointless. Therefore, even if the aim of the authors of the "Charter 77" manifesto had been to change the existing social order, this would not have constituted a reason for considering them beyond the protection of the Convention, in the absence of any indication that they sought to bring about that result by violent or unconstitutional methods.

The Committee had noted, in the three cases for which texts of judgements were available, the courts held, in the light of a statement by the Public Prosecutor of the Republic that the declaration known as "Charter 77" was objectively a potential source of danger to the socialist and state system of the Republic, that the dismissals were justified. The Committee also noted that the interpretation of the concept of "endangering the security of the State" which the Employers' Section of the Czechoslovak Chamber of Commerce and Industry invited its members to adopt in applying the provisions of the Labour Code relating to dismissal on that ground, corresponds to that stated by the court in one of the judgements of 1977, the text of which is available to the Committee and in which the mere fact of signing the "Charter 77" manifesto was held to justify dismissal.

On the basis of this information the Committee requested the Government to provide the texts of any court judgements which would reveal a change in court practice in interpreting and applying the relevant provisions of the Labour Code, and the text of the decision of the Supreme Court referred to by the International Confederation of Free Trade Unions regarding the possibility of dismissing workers for political reasons under section 46(1) (e) of the Labour Code. Noting that the qualifications for occupying posts in a number of enterprises (e.g. the National Museum, a pastry and mineral water factory) included requirements of a political nature, the Committee also asked the Government to provide information on the criteria according to which requirements of a political nature are included among the personal qualifications to be fulfilled by incumbents of posts at different levels and in different types of activities.

The Committee notes the information and explanations provided by the Government to the Conference Committee in 1982 and in its latest report.

The Committee notes the interpretation of section 46(1) (e) of the Labour Code contained in the Digest of Court Decisions supplied by the Government (No. 9-10/1978, Supreme Court of the Czechoslovak Socialist Republic). It notes the indication by the court with regard to grounds for dismissals, that non-fulfilment of requirements which does not result in unsatisfactory results at work includes, inter alia, failure

to fulfil political-cum-moral requirements. The Committee also notes from the Digest that the regional court of Ostrava indicated that not only professional, but also political and moral qualifications are essential conditions for the performance of work and that this concerns in particular workers in supervisory functions. The Supreme Court of the Slovak Socialist Republic considered that workers may be dismissed on the basis on non-fulfilment of requirements which does not result in unsatisfactory results at work and that this may concern, according to the nature of the work performed or the function exercised, not only their particular professional knowledge but also their civic engagement, moral and political qualities, etc. An organisation which has used this ground of dismissal must prove that it concerns requirements which constitute an essential condition for the proper performance of the job and that the non-fulfilment of these requirements is not the fault of the organisation. The Committee further notes the comment by the Supreme Court that the non-fulfilment of essential conditions for the proper performance of a job will, in the majority of cases, relate to requirements of a permanent character; occasional non-fulfilment will not usually be so serious (save in exceptional cases) as to lead to dismissal.

With regard to political requirements to be met by supervisory staff in the public administration and the economy, the Committee has taken note of work regulations and wage instructions supplied by the Government with its report. It also notes from the editorial of the journal of the Communist Party of Czechoslovakia (Rudé Právo) of 7 December 1982 that the Resolution of the Presidium of the Czechoslovak Communist Party of 6 November 1970 concerning the work of cadres still applies. According to this Resolution the Communist Party of Czechoslovakia founds its work concerning cadres on class and political criteria and also assesses the professional qualification, skill and moral qualities of the people. The Resolution further provides that the system of cadres (the "nomenklatura") is mandatory for supervisory employees in all spheres of life of the society. These employees are obliged to draw the attention of the competent party organ to proposed changes in the nomenklatura functions and to submit their proposals for the solution of problems. Employees may be placed into or withdrawn from functions classified in the system of cadres only after approval of the competent Party organ.

It follows from these various indications that political attributes are held essential for holding a wide range of supervisory positions in the State and economy, that access to all of these positions is controlled by a political party and that persons may be dismissed for not meeting political requirements even in the absence of unsatisfactory results at work.

The Committee requests the Government to take the necessary measures with a view to bringing the principles governing national practice regarding access to and dismissal from employment into conformity with the Convention, which requires the elimination of discrimination on the basis of political opinion, and to supply information on the action taken or contemplated.¹

Finland (ratification: 1970)

1. Further to its previous comments, the Committee notes with interest from the Government's report that:

¹ The Government is asked to provide full particulars to the Conference at its 69th Session.

- proposals for penal sanctions for occupational offences, including those concerning discrimination in the field of employment, are being elaborated by a special body charged with the revision of the Criminal Code which will probably be completed in 1983;
- a Bill submitted to Parliament on 21 May 1982 by the Government is to improve protection against dismissal, particularly after maternity leave or comparable leave;
- following the declaration of the government programme for the promotion of equality in April 1980, special working groups on equality became active in the ministries to assist them with the implementation of the programme; these submitted their provisional reports in the spring of 1982;
- on 9 February 1981, the Ministry of Finance sent administrative offices and institutions a supplementary instruction on the promotion of equality between men and women employees in respect of personnel policy implemented in state offices; and in a letter of 7 October 1981, the same Ministry requested the main labour market organisations, which are parties to collective agreements in the state sector, to submit by the end of 1981, their proposals for practical measures to be taken for the promotion of equality between the sexes in the personnel policy carried out by the State.

The Committee hopes that copies of these proposals, Bill, reports, instruction and letter will be communicated by the Government, together with information on any follow-up action taken.

2. The Committee further notes with interest that section 17, paragraph 3, of the Contract of Employment Act, according to which the employer shall treat his workers impartially without making any unwarranted discrimination on the basis of origin, religion, sex, age, political or trade union activity or any other comparable circumstance, and which is to be enforced with penalties under section 54 of the Act, was considered by the Council for Equality not to ensure adequate protection against discrimination based on sex, and that, consequently, a civil servants' committee set up in March 1982 by the Council of State submitted in September 1982 a draft Bill for a law on equality, which prohibits discrimination on the basis of sex, with emphasis on the labour market, and which includes a separate organisation pattern for supervision.

The Government also transmitted comments by the Central Organisation of Finnish Trade Unions, the Confederation of Salaried Employees, the Finnish Employers' Confederation and the Confederation of Commerce Employers.

The Central Organisation of Finnish Trade Unions indicates that the report of the civil servants' committee submitted in September 1982 is limited, according to its mandate, to discrimination based on sex and does not deal with the other criteria mentioned in the Convention. The Organisation further requests to know whether Article 1, paragraph 3, of the Convention, in mentioning access to employment, also refers to the situation when workers are hired. The Organisation considers the situation not to be sufficiently covered by existing legislation and collective agreements, and indicates that it has unsuccessfully drawn the civil servants' committee's attention to the fact that, in respect of hiring and also in other situations, the legal sanctions under the draft legislation would be more lenient than those provided for under the Contract of Employment Act in case of discrimination

carried on during an employment relationship. It states furthermore that national legislation does not contain an express provision similar to section 17, paragraph 3, of the Contract of Employment Act to prohibit the discrimination of a civil servant employed under public law, although certain formal guarantees are provided in the actual appointment procedure, and discrimination based on sex would probably be prohibited under the draft legislation on equality.

The Confederation of Salaried Employees indicates that, in practice, it has not been possible to eliminate discrimination in employment as a whole, particularly as concerns hiring of labour.

The Finnish Employers' Confederation and the Confederation of Commerce Employers state their view that section 17, paragraph 3, and section 54 of the Contract of Employment Act meet the requirements of the Convention.

Finally, the Confederations point out that they have not been represented on the Committee on Equality and that they expect the various forms of tripartite consultation and co-operation mentioned in the Convention to be observed.

The Committee takes due note of these observations. As regards the question raised by the Central Organisation of Finnish Trade Unions, it follows from the terms of Article 1, paragraph 3, of the Convention that discrimination in hiring is to be eliminated under the Convention. The Committee wishes, however, to recall that, as it emphasised in paragraph 27 of its 1971 General Survey on Discrimination in Employment and Occupation, the Convention calls upon each country to pursue its national policy "by methods appropriate to national conditions and practice" and does not impose a strict obligation to legislate in every case, but provides in general terms for the enactment of such legislation as may be calculated to secure the acceptance and observance of the national policy. The Committee hopes that the co-operation of employers' and workers' organisations will be sought in promoting the acceptance and observance of the national policy, both with regard to the draft legislation and to any other methods of implementation; it requests the Government to supply information on the measures taken to this end and on the legislative and other provisions adopted or contemplated to give effect to the Convention, particularly with regard to discrimination in access to employment, discrimination of civil servants employed under public law, and discrimination in employment and occupation on the basis of race, colour, religion, political opinion, national extraction or social origin.

3. The Committee notes from the Government's report that the differences in women's and men's average earnings diminished somewhat during the period 1977-81 but, examined by industry, the highest average earnings of women remain at the level of the lowest average earnings for men. The Committee requests the Government to continue supplying information on the statistical developments and on any measures taken to investigate to what extent these differences are maintained by discriminatory practices in conditions of employment or access to employment or to education and training and, where that proves to be the case, to modify those practices.

Federal Republic of Germany (ratification: 1961)Promotion of equality of opportunity and treatment for men and women

The Committee notes with interest the information supplied by the Government on measures taken to promote the equality of opportunity and treatment of women in employment and occupation. It notes in particular that offices were established for that purpose at the level of the Länder, model projects for the training of young women in industrial-technical trades and occupational reintegration of women after absence from the labour market were pursued, the maximum age for entering public service was raised in some cases to 38 years to facilitate access for women having raised children, access to employment in the police was opened to women in certain Länder, measures were taken to ensure that job descriptions and advertisements imply that the incumbent may be of either sex, and the number of years devoted to child raising which may be taken into account in subsidising vocational training of the person concerned was raised from three to four per child. The Committee hopes that the Government will continue to supply information on measures taken with a view to ensuring equality of men and women in employment and occupation.

Equality of opportunity and treatment in public employment

In previous observations, the Committee referred to the report made in 1979 by the Governing Body committee set up to consider the representation presented by the World Federation of Trade Unions under article 24 of the ILO Constitution alleging non-observance of the Convention by the Government of the Federal Republic of Germany.

The Governing Body Committee had noted that the Federal Constitutional Court order of 22 May 1975 regarding the obligation of loyalty in the public service did not specify the nature of the elements which might be taken into consideration in individual cases and left wide discretion to the employing authorities in this respect.

The Governing Body Committee considered that the procedural principles adopted on 17 January 1979 for the federal administration appeared likely to limit the powers in question, by establishing a presumption of loyalty and by abandoning the practice of systematic inquiries. It noted that the explanatory statement of the new principles indicated that it appeared necessary to abandon rules of procedure which implied that applicants could be rejected on the basis of an abstract criterion such as membership in an organisation with objectives regarded as hostile to the Constitution. The Governing Body Committee concluded that the effect of the 1979 procedural principles would depend on their future practical application, which would be subject to examination in accordance with established ILO procedures, in order to ascertain whether investigations are limited to special cases in which there are serious and justified doubts regarding the responsible conduct that may be expected from public servants and applicants for employment in the public service, with particular reference to the nature of the posts they are to occupy.

The Governing Body Committee observed that this examination should also cover the evolution of the situation at the level of the Länder, which had been able to apply different principles and where cases involving inquiries had been proportionally more numerous than in the federal administration.

In its previous observations, the Committee also noted certain allegations by the World Federation of Trade Unions that previous

practices continued after the entry into force of the new rules of procedure on 1 April 1979 and affected in the first year more than 30 persons, including some occupying subordinate posts in the postal services and federal railways.

The Committee asked the Government to supply information on the investigations carried out, the points taken into consideration and the decisions reached in cases of exclusion from the public service that have occurred since April 1979, as well as copies of any provisions or directives newly adopted, in particular by the Länder, and of recent decisions by administrative tribunals and the Constitutional Court in the matter.

In its latest report, the Government indicates that the qualification of a candidate for public service, including evidence of his faithfulness to the Constitution, has to be examined in all cases and not only in the special cases mentioned by the Committee in which serious and justified doubts regarding the responsible conduct required of the candidate existed beforehand. The Government states that the continued existence of such doubts after the candidate was interviewed requires his disqualification from employment, and that this is not to be considered discriminatory under Article 1, paragraph 2, of the Convention.

The Government further observes that the restrictions laid down in the principles of 17 January 1979 mentioned by the Committee concern the method of fact-finding in the preparatory procedure for the examination of a candidate's qualification, but not the substance of possible grounds for his exclusion from service, which alone are relevant to the observance of the Convention in the Government's view. The Government states that consequently, in examining the application of the Convention, the extent to which the various Länder have followed the procedural rules of the Federal Government of 17 January 1979 does not need to be taken into account.

With regard to the substantive criteria uniformly applicable at the federal and lower levels to the evaluation of the guarantees offered by a candidate for public employment regarding his faithfulness to the Constitution, the Government refers to its report for the period 1978-80, in which it had in particular referred to the Federal Constitutional Court order of 22 May 1975.

With regard to the Committee's request for detailed information on the investigations carried out, the points taken into consideration and the decisions reached by federal and Länder authorities, the Government refers to four decisions of the Federal Administrative Tribunal made in November 1980 and October 1981. The Government adds that at the federal level, no candidate for employment was rejected between 1 April 1979 and 30 June 1981 for not guaranteeing his faithfulness to the Constitution, while 127,000 persons were newly engaged; the Government also provides figures for the Länder of Bremen, Hamburg and North Rhine-Westphalia, in which the number of candidates rejected for not guaranteeing their faithfulness to the Constitution totalled 17 during the same period.

The Committee takes due note of these indications. It observes, however, that in the absence of the details requested concerning the cases of exclusion from public service, both as regards candidates for employment and persons dismissed who were already in employment, at the federal level and in the various Länder, it remains unable to carry out a full examination of the situation, as contemplated by the Governing Body Committee.

On the other hand, the Committee has carefully examined the decisions by the Federal Administrative Tribunal referred to by the Government. It notes that, in the first case on which a decision was given on 28 November 1980, a candidate for employment in the preparatory service for primary-school-teachers had been rejected because in her political activity she had closely co-operated with organisations which the prospective employer held to be actively turned against the liberal democratic fundamental order. This gave rise to serious doubts about her offering a guarantee that she would always defend the liberal democratic order, and she had not succeeded in eliminating these doubts when interviewed by the employer. In its decision, the Federal Administrative Tribunal indicates that a positive assessment that the candidate for employment in the civil service is an enemy of the Constitution and aims at impairing or eliminating the liberal democratic order is not necessary for considering that he or she does not offer the guarantees required, nor is an assessment required that the candidate will indeed not be loyal in the future. The Tribunal further indicates that, while the truth of any facts invoked is subject to judicial review, the evaluation made by the prospective employer of a candidate's personality and aptitude for employment is not.

In the second decision of 28 November 1980 referred to in the Government's report, concerning the rejection of a candidate for public employment as a teacher, the Federal Administrative Tribunal states that in their evaluation of a candidate's aptitude for employment in the civil service, administrative authorities may consider membership in a political party as a relevant element if that party is considered to have aims incompatible with the liberal democratic basic order, even if the party does not pursue actively, combatively or systematically the impairment or elimination of that order and thus does not fulfil the material conditions for its prohibition by the Federal Constitutional Court under article 21, paragraph 2, of the Constitution.

The decision of the Federal Administrative Tribunal of 20 October 1981 referred to by the Government, concerns the case of a middle-level official employed for many years in a technical telecommunication unit of the federal postal administration who was dismissed from service having regard to his active membership in a political party for which he wrote press articles in 1970, became a member of a district financial auditing committee in 1978 and was a candidate for municipal elections in 1979; the decision also took account of his travelling to another State for exchanges of views with political friends, his taking part in a campaign aimed at the abolition of present provisions for exclusion from employment in the public service, and his publishing in 1974 of an article commenting in depreciatory terms on a politically engaged writer. This was held by the Tribunal to be a continuous violation of a constitutionally imposed duty of faithfulness to the State and Constitution; quoting from the Federal Constitutional Court order of 22 May 1975, the Tribunal points out that the duty of political faithfulness requires more than a formally correct, but otherwise distant attitude towards State and Constitution.

These indications supplied by the Government call for the following comments.

The Committee recalls the view which it has expressed on earlier occasions that in protecting workers against discrimination on the basis of political opinion, the Convention implies that this protection shall be afforded them also in respect of activities expressing or demonstrating opposition to the established political principles, since the protection of opinions which are neither expressed nor demonstrated would be pointless.

The Committee has also pointed out previously that the protection afforded by the Convention is not limited to differences of opinion within the framework of established principles. Therefore, even if certain doctrines are aimed at fundamental changes in the institutions of the State, this does not constitute a reason for considering their propagation beyond the protection of the Convention, in the absence of the use or advocacy of violent or unconstitutional methods to bring about that result.

As regards the Government's claim that the exclusions from the public service referred to are in conformity with Article 1, paragraph 2, of the Convention, the Committee notes that in cases for which elements of appreciation were supplied by the Government, the grounds for exclusion did not relate to the inherent requirements of particular jobs. The Committee observes that in its decision of 29 October 1981 the Federal Administrative Tribunal reaffirms the opinion of the Federal Constitutional Court of 22 May 1975 that the obligation of political faithfulness as defined by the Court rests upon any civil servant and is not subject to differentiation according to the nature of his official duties.

The Committee has further noted the decision of the Federal Labour Court of 5 March 1980, which calls for the requirements of faithfulness to be differentiated according to the duties of the position concerned where a candidate for public service is to perform these duties under a labour contract and not with the status of a civil servant. Noting also that preparation of a Bill to introduce such differentiation in cases of exclusion of civil servants from service was announced by the Minister of the Interior in 1982, the Committee hopes that measures will soon be taken to bring legislation and practice into conformity with the Convention, both with regard to public servants and candidates for public service, and whether they are employed under a labour contract or as civil servants.

In this connection, the Committee recalls the importance of procedural principles to the observance of the Convention. It hopes that measures to be taken will not only redefine the criteria for exclusion from the public service but also ensure that the burden of proof regarding a person's integrity does not lie upon him or her and that the evaluation of his or her integrity made by administrative authorities is subject to full judicial review.

Ghana (ratification: 1961)

Article 4 of the Convention. In comments made for a number of years, the Committee noted that under section 32 of the Civil Service Act, 1960, the President may dismiss any civil servant if he is satisfied that it is in the public interest to do so, and that under paragraph 60(i) of the Civil Service (Interim) Regulations, no appeal shall be made against a decision made by the President. In its report for 1968-70, the Government indicated that a new Constitution had been enacted and that under article 138(b), no member of the public services shall be dismissed from office or reduced in rank without just cause and a full report was to be submitted on the right of appeal available to civil servants according to the Constitution as it affected the operation of section 32 of the Civil Service Act and paragraph 60 of the Civil Service (Interim) Regulations. In subsequent reports, the Government stated that the question of civil servants' right of appeal was being studied by the Public Services Commission and the Attorney-General's Office, which according to the Government's report for 1979-80 had not yet issued their recommendations. In its latest report, the Government states that there is no change in the situation. The

Committee hopes that the necessary measures will soon be taken in this matter in order to ensure the observance of the Convention, both with regard to the grounds on which a civil servant may be dismissed and to the right of appeal.

Guinea (ratification: 1960)

In 1981 and 1982, in the absence of any new information in the reports submitted by the Government, the Committee had expressed the hope that the direct contacts which had been requested by the Government, and which took place in October-November 1981, would lead to a solution ensuring the observance of the Convention with regard to the elimination of all discrimination in employment based on political opinion, notably as regards access to employment in the public service and in economic undertakings, which is obtained through special services set up by the Government upon a decision of the party and under its supervision. The Committee notes that, in its last report, the Government stated that it had taken note of the above but reiterated that, as it had indicated in its previous statements, there was no discrimination in Guinea. In the absence of any further information provided by the Government the Committee observes that the steps necessary to ensure the observance of the Convention have not been taken.¹

Iran (ratification: 1964)

The Committee notes that, in the reports submitted since 1978, the Government has confined itself to stating that labour law and employment policies are being studied with a view to formulating a socio-economic policy in conformity with the necessities of the Islamic society of Iran. The Committee hopes that the Government will supply a detailed report containing full particulars of the legislation and policies in force and the practical methods being taken to promote equality of opportunity and treatment in employment and occupation in conformity with the Convention.

The Committee notes that, by virtue of Articles 12 and 13 of the Constitution of the Islamic Republic of Iran, the official religion of the country is Islam (Ithna Ashari) and that Iranian Zoroastrians, Jews and Christians are the only recognised minorities who are free to practise their beliefs. The Committee has also taken note of the Report of the Secretary-General of the United Nations to the Commission on Human Rights of the United Nations Economic and Social Council at its thirty-eighth session held in December 1981 (E/CN.4/1517). In his report, the Secretary-General refers, inter alia, to documents from which it appears that, since the revolution, many educational institutions have introduced registration forms which specify that those seeking admission must belong to one of the recognised religions of the country; that large numbers of Baha'i students at all educational levels (including some in their final year of professional training) have been expelled from their places of learning solely on the grounds of their religion; that Baha'i nurses, after completing their training, have been denied their diplomas; that since the start of the revolution, countless Baha'i civil servants have been arbitrarily dismissed and denied back pay and pensions; that pressure

¹ The Government is asked to supply full particulars to the Conference at its 69th Session and to report in detail for the period ending 30 June 1983.

has been put upon employers to dismiss their Baha'i employees and that the majority have concurred; and that on 8 December 1981 the newspaper Kayhan carried a directive from the Ministry of Labour that no one should entertain complaints or appeals from Baha'is who had been dismissed from their jobs or deprived of their pensions because of their religion, since dismissal for life from any form of government service had been approved by the Islamic Parliament as "the punishment for anyone who is a member of the misguided Baha'i group".

The Committee further notes the resolution of the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities (resolution 8 (XXXIV), 9 September 1981) which expressed its profound concern for the systematic persecution of the Baha'i community because of their religion.

The Committee asks the Government to report in full on the measures taken to end all discrimination in employment and occupation on religious grounds, and particularly in respect of the Baha'i community.¹

Netherlands (ratification: 1973)

The Committee notes with satisfaction from the Government's reports received in 1981 and 1982 the coming into force of:

- the Men and Women (Equality of Treatment) Act of 1 March 1980 (Legislative Series (L.S.) 1980 - Neth. 2), under which any direct or indirect discrimination between men and women workers in employment (including access to employment, vocational guidance and training, conditions of employment, promotion opportunities and termination of employment) shall be prohibited and be null and void, and proceedings to ensure compliance with the Act may be brought by all concerned;
- section 28, paragraph 3 of the Works Council Act, as amended (L.S. 1979 - Neth. 1), under which works councils are to guard against discrimination in enterprises and, in particular, to promote the equal treatment of men and women in enterprises;
- the Equal Treatment of Men and Women in the Civil Service Act of 2 July 1980;
- the Act of 20 December 1979 further to amend the General Incapacity Act (L.S. 1977 - Neth. 2), the Incapacity Insurance Act (L.S. 1966 - Neth. 2) and the Sickness Act (L.S. 1967 - Neth. 2), which introduced equal benefit entitlements for men and women.

The Committee notes with interest the following developments:

- the adoption by the Government of the policy of giving temporary preferential treatment to women in the case of equivalent candidates for employment in the civil service, if and as long as the existing distribution of functions between men and women in the work unit concerned and within the organisation as a whole warrants it;
- the adoption, by the Socio-Economic Council on 19 June 1981 of a statement on Equal Treatment of Men and Women, which is to be of

¹ The Government is asked to report in detail for the period ending 30 June 1983.

practical assistance to those who are directly involved in the consequences of the coming into force of the Men and Women (Equality of Treatment) Act;

- the launching, at the end of 1981 and the beginning of 1982, of an information campaign which made use of a new folder, press advertisements, television spots and an extensive leaflet covering the existing legislation on equal treatment of men and women in employment, and which resulted in a conspicuous increase in the number of applications for advice submitted to the Committee on Equal Treatment for Men and Women at Work;
- the preparation by the Government, following the world action programme of the United Nations and with the participation of various women's associations and all those considered to be interested, of a draft action programme for emancipation action in a number of fields, such as breaking up limitations imposed by role-patterns for men and women; catching up arrears (for women: in rights, level of education and social participation) and promoting the appreciation of activities which traditionally are associated with womanhood;
- the starting of experiments on behalf of the Government to make lines of training traditionally assigned to boys more accessible to girls, and the guiding of mediators at employment offices to placing women in functions and occupations irrespective of traditional divisions into "female" and "male" occupations;
- the publication, in September 1981, of the draft Bill of a General Act on Equal Treatment, the extensive use made by over 15,000 persons, groups and organisations of the opportunity to submit their comments, and the preparations being made without delay for the Act;
- the submission to the Lower House in October 1979 of a memorandum on the equal treatment of men and women for wages and income tax purposes.

The Committee notes from the Government's reports the development of further activities in the fields of legislation, information, investigation and the creation of favourable conditions for pursuing the application of the principle of the Convention, and it hopes that the Government will continue supplying information on the various measures taken or contemplated, which are also the subject of a more detailed request addressed directly to the Government.

Norway (ratification: 1960)

The Committee notes that the Governing Body at its 222nd Session (March 1983) concluded its examination of a representation presented by the Norwegian Federation of Trade Unions (LO) under articles 24 and 25 of the ILO Constitution, alleging non-observance of Convention No. 111 by Norway (GB.222/18/23). The Governing Body considered that Act No. 22 of 1982 which amended section 55A of the Worker Protection and Working Environment Act is drafted in such a way that employers may question job applicants about their political, religious or cultural views where such views are not relevant to the inherent requirements of a given job. The Governing Body asked the Government to take measures to ensure that section 55A is worded, interpreted and applied in such a manner as to conform with Article 1, paragraph 2, of the Convention which provides that in determining any distinction, exclusion or preference in respect of a particular job, regard must be had only to

the inherent requirements of the given job. The Governing Body also asked the Government to report on all measures taken to ensure compliance with the Convention to enable the Committee of Experts to follow developments in the case.

In these circumstances, the Committee hopes that all necessary measures will be taken to ensure conformity with the Convention and that, in this connection, the Government will consult with the Tripartite Norwegian ILO Committee established pursuant to Convention No. 144 - Tripartite Consultation (International Labour Standards), 1976, also ratified by Norway.¹

Poland (ratification: 1961)

1. The Committee notes the Government's report on the application of the Convention. It also has noted the text of the protocol of agreement adopted at Gdansk on 31 August 1980 by the Inter-enterprise Strike Committee (MKS) and the Government. It notes that as regards the introduction of the principle of cadre selection on the basis of qualifications and not party membership, and the abolition of the privileges of the police, the security forces and the Party apparatus, it was agreed that cadres would be selected on the basis of qualifications and competence without distinction between the members of the various parties and persons without party affiliations. The Committee requests the Government to indicate the steps which it may have taken to ensure equality of opportunity and treatment in employment and occupation following that agreement.

2. The Committee notes that the state of martial law has been suspended by a decision of the Council of State dated 19 December 1982. It notes that the Act of 18 December 1982 concerning the special legal provisions to apply during the period of the suspension of the state of martial law, provides, in section 5, paragraph 1, that, notwithstanding suspension of the state of martial law, participation in any protest action or meeting organised in contravention of provisions in force, as well as "disturbance of order in the workplace" constitute serious violations by the worker of his fundamental duties, justifying summary dismissal, irrespective of the legal basis of his employment relationship. Similarly, a student committing such acts on or outside the premises of a school of higher education can be struck off the list of students. Under paragraph 3, such cases are removed from the scope of application of the normal provisions governing termination of employment and expulsion of students, including the rules of procedure governing disciplinary measures. Section 4 of the same Act imposes restrictions on the access to new jobs and on the remuneration payable in such jobs to persons thus discharged and provides for penalties against managers of undertakings who do not abide by such restrictions.

As regards protest actions undertaken "in contravention of the provisions in force", the Committee notes that pre-censorship of publications required by section 17 of the decree on the state of martial law has not been lifted by the Act of 18 December 1982 and that "ideological and moral attitudes" remain among the qualifications required under section 4, paragraph 2, of the Order of 20 December 1974 relating to the rights and obligations of workers employed in the service of the State.

The Committee expresses its concern at the adoption, by the Act of 18 December 1982, of provisions making it possible to remove a

¹ The Government is asked to report in detail for the period ending 30 June 1983.

worker or a student from his job or his studies if he protests against the policy of the Government, particularly through a written text not approved by the authorities or if he creates at the workplace disturbances which are not to be assessed by normal standards of labour law or disciplinary legislation. It hopes that these provisions will be repealed and that the Government will provide full particulars on any measures taken in this regard to bring law and practice into conformity with the Convention.

Sierra Leone (ratification: 1966)

1. The Committee notes from the Government's report that no national policy has been declared to promote equality of treatment in respect of access to employment and occupation and as regards terms and conditions of employment and that, consequently, it has not been possible to appraise the effect of such a policy. It notes, however, the Government's statement that, in general practice, there is no form of discrimination within the meaning of Article 1 of the Convention in Sierra Leone.

The Committee would refer to paragraphs 25 and 51 of its General Survey of 1971 on Discrimination, where it pointed out that the implementation of the Convention does not merely require the absence of laws and administrative measures expressly introducing inequalities but also rests upon the adoption of positive measures in pursuance of a national policy designed to promote equality of opportunity. The Committee hopes that the Government will supply information on the various points to be covered by such a policy which are considered in a more detailed request addressed directly to the Government.

2. The Committee notes that the Constitution of Sierra Leone (Act No. 12 of 1978) which makes provisions for a one-party system of Government, provides in Article 5 that every person in the country is entitled to the fundamental rights and freedoms of the individual, whatever his race, tribe, place of origin, colour, creed or sex. Article 17 of the Constitution proscribes the making of laws which are discriminatory of themselves or in their effect; and forbids the discriminatory treatment of any person by anyone acting under law or in the performance of the functions of any public office or authority. Article 17 refers to discrimination on the grounds of race, tribe, place of origin, colour or creed. Having observed that the above provisions do not prohibit discrimination on the basis of political opinion, as did the corresponding sections in the previous Constitution, and that Articles 138(3) and 139(3) of the Constitution reserve certain high public offices to members of the recognised party, the Committee would ask the Government to supply information on any further provisions adopted which would establish a link between political opinion or affiliation and qualifications for employment, and on any measures taken or envisaged in this connection to ensure the observance of the Convention.

Turkey (ratification: 1967)

The Committee has taken note of the communication addressed to the Committee on Freedom of Association by the WFTU concerning the amendments made to Martial Law No. 1402, which empower the Martial Law Commanders to dismiss public sector workers. According to this communication, 20,000 workers in state enterprises were dismissed during the first six months of 1981 and 5,040 teachers were dismissed for "ideological reasons" over the last two years.

The Committee notes that section 1 of Act No. 2301 of 19 September 1980 amends Martial Law No. 1402 by inserting in the second paragraph provisions which make it mandatory for the competent authorities to execute immediately every request of the Martial Law Commanders to transfer or dismiss employees of the central government, and to suspend or dismiss officials in local administrations whose services are considered harmful from the point of view of general security, law and order or public safety or whose work is not considered necessary.

The Committee refers to paragraph 38 of its 1971 General Survey on discrimination, in which it indicated that measures designed to protect the security of the State within the meaning of Article 4 of the Convention must also be clearly defined and so worded as not to form a basis for discrimination based solely upon political opinion which would be inconsistent with the 1958 instruments.

In this regard, the Committee recalls the view which it has expressed on other occasions, that in protecting workers against discrimination on the basis of political opinion, the Convention implies that this protection must be afforded to those who express or demonstrate opposition to the established political principles, since the protection of opinions which are neither expressed nor demonstrated, would be pointless.

The Committee has also pointed out previously that the Convention is not limited to mere differences of opinion within the framework of established principles. Therefore, even if certain doctrines aim to bring about fundamental changes to institutions of the State, this does not constitute a reason for considering their propagation beyond the protection of the Convention, in the absence of the use or advocacy of violent methods to bring about that result.

The Committee asks if the necessary measures to abolish all discrimination on the basis of political opinion with regard to public servants will be taken soon and it requests the Government to indicate what progress has been taken in this matter.¹

USSR (ratification: 1961)

The Committee notes the Government's report on the Convention. The Committee has also taken note of communications of 1 October and 20 December 1982 from the International Confederation of Free Trade Unions, alleging the non-observance of this Convention and Conventions Nos. 29 and 122 in the USSR. Copies of these communications were transmitted to the Government of the USSR on 12 October 1982 and 10 January 1983 to enable it to comment on them.

In its communication of 1 October 1982 the ICFTU lists a number of Soviet citizens who are said to have been dismissed from their employment as university teachers, physicists, engineers, biologists or from similar positions, in spite of lifelong flawless employment records, after they or members of their families applied to emigrate at different times in the past 12 years. From then on, and although the permission to emigrate was withheld in these cases, these persons are stated to have been denied access to employment corresponding to their qualifications. Several of these persons are said to have sought to earn their livelihoods as teachers of mathematics and of the Hebrew

¹ The Government is asked to supply full particulars to the Conference at its 69th Session.

language but to have been refused registration with the tax authorities and harassed by the police. A number of them are alleged to have been either threatened with prosecution or actually sentenced for leading a parasitic way of life under section 209 of the Criminal Code of the RSFSR.

In the absence of any comments by the Government on these allegations, the Committee requests the Government to supply information on the situation of those concerned and on any measures taken or contemplated in this connection to ensure the observance of the Convention, which calls for the elimination of any distinction or exclusion on the basis of race, religion, political opinion or national extraction which has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation.¹

Yugoslavia (ratification: 1961)

In its previous observation, the Committee noted that the reference to "moral and political suitability" as a condition for holding certain employment was held to be unconstitutional by a meeting of the Presidents of the Constitutional Courts in December 1979 and was progressively being eliminated from legislation and from job advertisements. It also noted that most of the amended legislative provisions call for 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 society, and that section 98 of the Law on Higher Education of Serbia still provides for the suspension of persons who "cause damage to social interests". The Committee asked the Government to indicate any further measures taken or under consideration in these respects to ensure equality of opportunity and treatment in employment and occupation irrespective of political opinion.

The Committee notes with interest from the Government's report that intensive work on amending the rest of the laws referring to moral and political suitability is under way and can be expected to be finished by the end of 1983 and that the following various measures taken by the authorities, the number of competitions referring to the requirement of moral and political suitability is decreasing and it is expected that any such reference will disappear altogether.

The Government further indicates that misinterpretation of provisions calling for an evaluation of the social and over-all behaviour of the candidate is prevented, inter alia, by the position of the constitutional courts on which the public is widely informed and by the judicial protection of citizens' rights; it also indicates that the body competent for applying section 98 of the Law on Higher Education of Serbia does not assess the activity of the person concerned from the viewpoint of his political opinions, and that, in the period under review, this provision was not applied against anyone and the courts of law have rendered no decisions under the legislation considered.

The Committee takes due note of these indications. It hopes that the Government will continue supplying information on the measures taken to ensure the observance of the Convention, in particular with regard to a number of points which are raised in a more detailed request addressed directly to the Government.

*
* *

¹ The Government is asked to report in detail for the period ending 30 June 1983.

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Bangladesh, Barbados, Belgium, Berin, Bolivia, Bulgaria, Byelorussian SSR, Chad, Cyprus, Czechoslovakia, Dominican Republic, Egypt, Ethiopia, Gabon, German Democratic Republic, Federal Republic of Germany, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Malta, Mauritania, Morocco, Mozambique, Nepal, Netherlands, Niger, Pakistan, Paraguay, Philippines, Poland, Qatar, Romania, Senegal, Sierra Leone, Somalia, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, Yemen, Yugoslavia.

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

Liberia (ratification: 1960)

The Committee has pointed out in its previous observations that section 326 of the Maritime Law to which the Government had referred in earlier reports, 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 or work on board fishing vessels, in accordance with Article 2, paragraph 1, of the Convention.

Furthermore, the Committee now notes the Government's statement in its most recent report that the Maritime Law is inapplicable to fishermen. The Government refers again in its report to the proposed new Labour Law and has also communicated the text of a draft Decree incorporating provisions to implement the Convention. The Committee trusts that the Government will soon be able to provide the text of any suitable measures adopted.¹

Suriname (ratification: 1976)

With reference to its earlier observations, the Committee recalls the previous report of the Government, which stated that the bill to raise the minimum age for fishermen from 14 to 15 years was to be submitted shortly to the Council of Ministers. It would be grateful if the Government would provide a copy of this text as soon as it is adopted.

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

Guinea (ratification: 1960)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption, following the direct contacts that took place in October and November 1981 between the competent

¹ The Government is asked to report in detail for the period ending 30 June 1983.

government services and a representative of the Director-General, of Order No. 2264/MT of 9 April 1982 to lay down the conditions of employment of fishermen on board fishing vessels, section 6 of which gives effect to Article 3, paragraph 1, of the Convention.

Liberia (ratification: 1960)

The Committee had pointed out in its previous observations that section 336(3)(d) of the Maritime Law, to which the Government had referred in earlier reports, which provides that a seaman shall not be entitled to sickness or injury benefit if, at the time of his employment, 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 tons net.

Furthermore, the Committee notes from the Government's statement that the Maritime Law is inapplicable to fishermen. The Government refers again in its report to the proposed new Labour Law and also communicates the text of a draft Decree incorporating provisions to implement the Convention. The Committee trusts that the Government will soon be able to provide the text of any suitable measures adopted.

*
* * *

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

Convention No. 114: Fishermen's Articles of Agreement, 1959

Cyprus (ratification: 1966)

With reference to its earlier direct requests, the Committee notes from the report of the Government that it has not yet been possible to amend Act No. 73 of 1966 so as to define the "competent authority" for the purposes of the Convention or issue regulations providing for model fishermen's articles of agreement. The Committee hopes that the necessary measures will be taken shortly to give effect to the Convention.¹

Guinea (ratification: 1960)

With reference to its earlier observations, the Committee takes note with satisfaction of the adoption, following the direct contacts that were held in October and November 1981, of Order No. 2264/MT of 9 April 1982 which establishes the conditions of employment of fishermen on board fishing vessels, thus giving effect to Articles 2, 3, 6, 7, 8 and 9 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1984.

Liberia (ratification: 1960)

Further to its previous observations, the Committee notes that the Government refers again in its report to the proposed new Labour Law and also has communicated the text of a draft Decree incorporating provisions to implement the Convention. The Committee trusts that the Government will soon be able to supply the text of suitable measures adopted.¹

Uruguay (ratification: 1973)

Article 3 of the Convention. See Convention No. 22, Article 3.

*
* *

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

Convention No. 115: Radiation Protection, 1960Ecuador (ratification: 1970)

With reference to its earlier comments, the Committee notes with satisfaction that Presidential Decrees Nos. 3306 of 8 March 1979 and 3640 of 19 July 1979 have been adopted to approve, respectively, the Act on the Ecuadorian Atomic Energy Board and the Radiological Safety Regulations, which give effect to the great majority of the provisions of the Convention. Certain points on which the Committee would like to obtain further information are raised in a direct request.

Ghana (ratification: 1961)

With reference to its previous comments, the Committee notes, from the last report of the Government, that the Radiation Protection Bill has not yet been adopted. The Committee recalls that protection against radiation is provided at present only by a non-binding code of practice, which, moreover, does not give effect to Articles 9, paragraph 2, 13(a), (b) and (d), and 14 of the Convention. It again expresses the hope that the Bill, to which the Government has made reference for more than ten years, will be adopted very soon and will assure the full application of the Convention.

India (ratification: 1975)

With regard to its previous comments, the Committee notes with satisfaction the Notification laying down the Procedure for Licensing and Surveillance in Industrial Radiography issued on 30 January 1980, giving effect to Articles 5 and 11 of the Convention.

*
* *

¹ The Government is asked to report in detail for the period ending 30 June 1983.

In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Ecuador, Guinea, Guyana, India, Iraq, Lebanon, Norway, Spain, Switzerland, Syrian Arab Republic.

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

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

Requests regarding certain points are being addressed directly to the following States: Bahamas, Bolivia, Brazil, Central African Republic, Ghana, Jamaica, Jordan, Kuwait, Panama, Paraguay, Syrian Arab Republic, Tunisia, Zaire.

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

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

The Committee observed in its General Survey of 1977 on the reports concerning Convention No. 118 (paragraph 145) that over 50 member States then had legislation that would enable them to ratify the Convention by accepting its obligations in respect of one or more branches of social security. It now notes with interest that Ireland, in accordance with Article 2, paragraph 4, of the Convention, has accepted the obligations of the Convention in respect of a new branch (branch (g): employment injury benefit). The Committee expresses the hope that other States may also be able to accept the obligations of the Convention in respect of one or more of the branches of social security mentioned in the General Survey in question.

Suriname (ratification: 1976)

Articles 4 and 5 of the Convention - branch (g) (Employment injury benefit). The Committee has studied the decree, approved by the Council of Ministers on 22 December 1982, and which entered into force on 21 January 1983, amending section 6, subsection 8, of Decree No. 145 of 1947 as amended by Ordinance No. 164-d of 24 November 1975. The Committee notes that the amendment is not such as to ensure the conformity of this provision with the Convention, in as much as it provides to the beneficiary only the possibility of requesting the conversion of the employment injury pension into a lump sum when he has transferred his residence abroad. The Committee recalls that, under the Convention, employment injury pension must continue to be paid without restriction where the beneficiary, whether a national of the Member or of any Member that has accepted the obligations of the Convention in respect of this branch, transfers his residence outside the territory.

In the light of the foregoing, the Committee again expresses the hope that any restriction on the payment of periodical benefits abroad may be abolished, at least from the time when the disability is considered to be permanent, even if its degree may still have to be

reviewed (but without prejudice to any arrangements made, for example under Article 11 of the Convention, for the checking of the injured person's condition when resident abroad). The Committee ventures to suggest that an amendment in conformity with the Convention might consist, for example, in repealing section 6, subsection 8, of the above-mentioned Decree No. 145 and providing machinery for the payment of benefits in the event of residence abroad.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Central African Republic, Iraq, Jordan, Mexico.

Convention No. 119: Guarding of Machinery, 1963

Algeria (ratification: 1969)

The Committee notes from the report of the Government that a number of texts, some of which are general in scope and others which are specific to sectors of activity offering high risks, have been worked out after consultation with the social partners, and that they have been submitted to the People's National Assembly for examination and adoption. The Committee hopes that these texts will be adopted very shortly, that they will cover all the activities provided for by the Convention in accordance with Article 17 and will give effect to other provisions of this instrument, including Articles 2 and 6 (specifying the dangerous parts of the machinery for which guards are necessary with a view to their sale, hire, transfer in any other manner, exhibition and use), Article 4 (identification of the persons responsible for giving effect to Article 2), Articles 10 and 11 (instruction and protection of workers) and Article 15 (enforcement and inspection).

The Committee asks the Government to indicate all progress made in its next report.

Central African Republic (ratification: 1964)

With reference to its earlier observations, the Committee has examined the report of the Government and the information supplied to the Conference Committee in June 1982 and notes that, in pursuance of Order No. 006 of 4 December 1981, a technical committee on safety and health has been set up under the Ministry of Labour.

The Committee also takes note of the draft decree provided for by section 37 of General Order No. 3758 of 25 November 1954, which was worked out during the direct contacts of 1980 and is intended to give effect to the following Articles of the Convention: Article 2 (specification of dangerous machinery or parts); Article 10, paragraph 1 (imparting of information to workers); Article 11 (prohibition of workers from using any machinery without the guards provided being in position and from making them inoperative).

The Committee trusts that this Decree - and also the schedule

referred to in its section 1, subsection 3, but not communicated by the Government - will be adopted in the very near future.¹

Congo (ratification: 1964)

Article 2 of the Convention. The Committee notes, from the report of the Government, that the draft order that was to be prepared by the technical advisory committee responsible for questions of industrial safety and health has not yet been adopted. The order was to specify dangerous machinery and parts covered by section 135 of the Labour Code, which prohibits the offer for sale, the sale, the hire and the use of dangerous machinery or parts without appropriate guards.

The Committee once more expresses the hope that this order will be adopted in the very near future and that it will give full effect to Article 2 of the Convention, which also prohibits the transfer in any other manner and the exhibition of such machinery.¹

Cyprus (ratification: 1965)

Further to its previous comments, the Committee notes with satisfaction that the Factories Law was amended so as to cover agricultural operations, by the Factories (Amended) Law No. 22 of 1982, which gives effect to Article 1, paragraph 3(b) of the Convention. The Committee would be grateful if the Government would provide with its next report information on any further progress achieved in the application of the Convention to all sectors of economic activity.

Ghana (ratification: 1965)

Following its previous comments, the Committee notes with regret, from the last report of the Government and from the information supplied to the Conference Committee in 1982, that no measures have yet been taken in order to extend the legislation giving effect to the Convention to areas of economic activity such as agriculture, forestry, and road and rail transport and shipping, in accordance with the provisions of Articles 1 and 17 of the Convention, despite the assurances given by the Government on many occasions. The Committee notes however that, according to the report, a two-year programme of codification of existing labour legislation in Ghana was due to start in January 1983 and that the Committee's observations will form part of it. The Committee once again trusts that the Government will be able to mention in its next report the adoption of provisions in laws or regulations to ensure the application of the Convention in each of the above-mentioned sectors.

With regard to the application of the Convention in mines, the Committee points out that the Mining Regulations, 1970, the Mining (Amendment) Regulations, 1971 and the Explosives Regulations, 1970, mentioned in the report, have not been received and again requests the Government to furnish these texts with its next report.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Guatemala (ratification: 1964)

Further to its previous comments, the Committee notes with satisfaction that, through the adoption of the Order of 17 September 1981 containing "regulations for the application of the Convention", effect is given to Part II of this instrument which forbids the sale, hire, transfer in any other manner or exhibition of machinery of which the dangerous parts are without appropriate guards.

The Committee also notes the information supplied by the Government in reply to its previous observation concerning the practical application of the Convention in conformity with point V of the report form (inspection activities, number of violations reported, and the number, nature and causes of accidents reported).

Guinea (ratification: 1966)

Articles 11 and 17 of the Convention. In reply to the earlier observations of the Committee the Government states that section 41 of Order No. 3154/MT of 7 May 1982 respecting safety rules in the building industry gives effect to the provisions of Article 11 of the Convention (under which no worker shall use any machinery without the guards provided being in position or remove or make these guards inoperative). The Committee wishes to point out that, under Article 17, the Convention applies to all branches of economic activity and not only the building industry, which is covered by the above-mentioned Order. The Committee therefore asks the Government to take the necessary additional measures to give effect to Article 11 of the Convention in all branches of economic activity.

The Committee also hopes that measures will shortly be taken to apply the Convention in the maritime and agricultural sectors in accordance with Article 17. With regard to the maritime sector in particular, the Committee asks the Government to state whether the orders on industrial safety and health on board merchant ships provided for by section 185 of the Labour Code have been issued and, if so, to supply the text.¹

Jordan (ratification: 1964)

The Committee notes with regret that the draft of the new Labour Code, which, according to the Government, was to give effect to the provisions of the Convention, has not yet been adopted.

The Committee recalls that there is no express provision prohibiting the sale, hire, transfer in any other manner and exhibition of machinery of which the dangerous parts are without appropriate guards, in compliance with Part II of the Convention.

In these circumstances, it can only urge the Government to take the necessary measures, by issuing rules in the near future, in the form of a ministerial order, for example, to give effect to the Convention, pending the adoption of the new Labour Code referred to above.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

The Committee hopes that the Government will not fail to report the progress made.¹

Kuwait (ratification: 1961)

The Committee has examined Ministerial Decision No. 56 of 1982 respecting the guarding of machinery and it notes with satisfaction that this Decision gives effect to the main provisions of Part II of the Convention concerning the prohibition of the sale, hire, transfer in any other manner and exhibition of machinery of which the dangerous parts are without appropriate guards. This Part of the Convention has been the subject of earlier comments by the Committee.

The Committee is asking the Government to furnish particulars concerning certain points which are being raised in a direct request.

Madagascar (ratification: 1964)

The Committee has been calling attention for more than ten years to the necessity of adopting measures to give effect to Articles 2 to 4 of the Convention (prohibition of the sale, hire, transfer in any other manner and exhibition of machinery without appropriate guards). In its previous reports the Government has stated that effect would be given to these provisions by means of an Order. The Committee notes with regret - according to the information supplied in the last report - that such an order has not yet been issued. It again expresses the hope that it will be issued shortly to give full effect to the Convention.

Niger (ratification: 1964)

Further to its previous observations and direct requests, the Committee notes with interest the draft decree, the text of which was communicated by the Government, fixing safety and health rules to be observed in the use of machinery. The Committee hopes that this draft will be adopted in the near future and that it will take account of the comments made in the request which is being addressed directly to the Government.

Sierra Leone (ratification: 1964)

Following its previous observations, the Committee notes with interest that, according to the Government's report, the draft of the revised Factories Act, which awaits adoption during the next session of Parliament, will give effect to Part II of the Convention (prohibition of the sale, hire, transfer in any other manner and exhibition of unguarded machinery) and to Article 17 (application of the Act to all branches of economic activity including road and rail vehicles, agricultural machinery, mines and shipping) and incorporates all the relevant comments and suggestions.

The Committee hopes that this Act will be adopted very soon and that the Government will provide a copy of it with its next report.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Spain (ratification: 1971)

The Committee notes with interest the Government's reply to its previous comments, and has examined the draft Royal Decree concerning preventive action with relation to safety and health at work, which was communicated with the Government's report and which is intended to apply Article 2, paragraphs 1 and 2, of the Convention.

In its previous comments, the Committee had pointed out that it was necessary to adopt certain additional measures to ensure also the application of Article 2, paragraphs 3 and 4, and Article 4 of the Convention. In particular, paragraphs 3 and 4 of Article 2 require the competent national authority to designate the parts of machinery which might present a danger to workers, and Article 4 imposes on the vendor, the person letting out on hire or transferring the machinery in any other manner, the exhibitor and the manufacturer the obligation to apply the provisions of the Convention and, "where appropriate under national laws or regulation", this obligation rests also on the agents of these persons.

The Committee hopes that the above-mentioned draft will be supplemented in the way indicated, and that the Government will provide information in this regard with its next report.

Tunisia (ratification: 1970)

Article 2, paragraphs 3 and 4, and Article 6, paragraph 1, of the Convention. In reply to the Committee's earlier observations, the Government states in its report that the draft order establishing the list of machinery and parts that may not be used, offered for sale, sold or hired without guards will be approved very shortly.

The Committee notes this information with interest and hopes that the order to give effect to the above-mentioned provisions of the Convention will be adopted very shortly and that the Government will be able to indicate progress in this connection.¹

Turkey (ratification: 1967)

The Committee notes the explanations supplied by the Government to the Conference Committee in 1982 and in its last report concerning the difference between the "list of safety standards prescribed by the Turkish Standardisation Institute between 1960 and 1981" and the "list of machines causing substantial industrial accidents", the latter listing machinery which is not at present provided with necessary guards. It further notes that in order to provide the standardisation of the guards for the machinery enumerated in this list, in addition to budget allocation of 1 million Turkish pounds in 1982, another 4 million have been earmarked in the 1983 investment budget and that after the completion of this work detailed safety standards would be worked out for all machinery causing a heavy rate of accidents.

While taking due note of these measures, the Committee again points out that, if effect is to be given to Part II of the Convention, the present legislation would have to be supplemented (a) by standards prescribing the guards to be provided for machinery in accordance with Article 2, paragraphs 3 and 4, of the Convention, and (b) by measures

¹ The Government is asked to report in detail for the period ending 30 June 1983.

imposing an obligation on persons selling, letting out on hire, transferring in any other manner or exhibiting machinery to ensure that the machinery complies with the prescribed standards, as required by Articles 4 and 15 of the Convention.

In this respect the Committee notes with interest that work has been started under the co-ordination of the Ministry of Labour on preparing regulations concerning the prohibition of the manufacture, sale, hire and exhibition of the machinery without appropriate guards, which would give effect among others to the above-mentioned provisions of the Convention as well as to Article 10, paragraph 1 (obligation of 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) concerning which the Committee has previously made comments. The Committee hopes that these regulations will be drawn up soon and will assure the applicator of the above-mentioned provisions of the Convention.

Concerning Article 17 of the Convention, the Committee notes from the report that the Government considers it hardly possible to extend the application of the Convention to agricultural, sea and air transport machinery not covered by the Labour Code, and therefore considers this machinery to be exempted from the scope of the Convention under the provisions of Article 17, paragraph 3, which gives any State Member the right to cancel in whole or in part the declaration which it has made at the moment of ratification specifying a more limited application of the Convention, by a subsequent declaration. The Committee points out that, as the Government did not make a declaration on ratifying the Convention, limiting the scope of the Convention, no subsequent declaration can be made to this effect under the provisions of Article 17, paragraph 3.

The Committee accordingly once again requests the Government to take the necessary measures to apply Part III of the Convention to machinery, including machinery used in agriculture and in sea and air transport.¹

Uruguay (ratification: 1977)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Decree No. 199 of 6 May 1981, which covers questions dealt with in Convention No. 119 and gives effect to Articles 2 and 4 of this Convention.

Zaire (ratification: 1967)

The Committee notes from the Government's reply to its previous observations that the draft Order which was to bring national legislation into conformity with Articles 2 and 4 of the Convention (prohibiting the sale, hire, transfer in any other manner and exhibition of machinery of which the dangerous parts are without appropriate guards), as well as with Article 17 (extension of protection to the agricultural sector), has not yet been adopted.

However, the Committee notes the Government's statement to the effect that a new provision (section 138 bis), laying down the principles of the protection provided for in the Convention, will also

¹ The Government is asked to report in detail for the period ending 30 June 1983.

be inserted in the Labour Code in course of its revision. The Committee has also examined the text of the draft Order communicated by the Government with its report and hopes that the Government will take into account the various points which it is raising in its direct request, both with regard to the Order and the new section of the Labour Code.

The Committee trusts that the work of revising the Code - which have been suspended at present according to the Government - will be actively pursued and that the proposed new legislation, with the amendments suggested in the direct request, will be adopted in the very near future. The Committee requests the Government to indicate any progress made in this connection.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Cyprus, Kuwait, Niger, Tunisia, Zaire.

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

Guatemala (ratification: 1975)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption on 17 September 1981 of regulations completing the General Regulations on occupational safety and health of 1957, which now give effect to Articles 12 (sufficient supply of drinking water) and 18 (reduction of noise and vibration) of the Convention.

Guinea (ratification: 1966)

Article 6, paragraph 2, of the Convention. With reference to its previous observation, the Committee notes the explanations provided by the Government to the effect that the penalties laid down by section 288(b) of the Labour Code for infringements of the provisions of section 167 also apply to infringements of section 168 of the Code. The Committee asks the Government to state whether regulations on safety and health at the workplace have been issued under section 173 of the Labour Code and, if so, whether these regulations lay down penalties for infringements of their provisions.

Article 14. The Committee notes from the report of the Government that section 181 of the new draft Labour Code makes no distinction between men and women in respect of the supply of seats. It hopes that the draft will be adopted shortly and will bring the national legislation into conformity with the Convention on this point.

Article 18. The Committee points out that the national legislation does not contain any provision to ensure that noise and vibrations likely to have harmful effect on the workers are reduced as much as possible. It hopes that effect will be given to this provision of the Convention with the adoption of the new Code.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Jordan, Lebanon, Madagascar.

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

Convention No. 121: Employment Injury Benefits, 1964

Guinea (ratification: 1967)

The Committee takes note of the information provided by the Government on Article 18, paragraph 1, of the Convention.

The Committee notes the statement by the Government that only the adoption of the new Social Security Code could resolve the questions raised in its earlier comments. It therefore expresses the hope that the revision of the Social Security Code, which the Government has been mentioning in its reports for some years, will be brought to a conclusion and that the problems raised by the application of the Convention will be finally resolved. The Committee considers - and this was the view of the Government during the direct contacts of October and November 1981 - that a technical assistance project with the participation of the ILO might provide the foundation for action in this field. It hopes that the necessary measures will be taken to settle all the following outstanding questions.

1. Article 4. The Government stated earlier that the new Social Security Code that was being prepared would cover all workers employed in the Republic of Guinea without exception, including "persons occupying permanent posts in state administration or in its subsidiary services or in national public establishments", who are at present not covered by the social insurance scheme and are, therefore, not entitled to compensation for employment injuries. The Committee hopes that the new Code will be adopted shortly and, pending its adoption, it again asks the Government to state whether workers of this group are covered by any special scheme of compensation.

2. Article 8. The Government has stated that the new Social Security Code will include in full the list of occupational diseases appearing in the schedule to the Convention. The Committee hopes that the new Code will in particular take account of the following points:

- (a) items Nos. 2, 3, 4, 5, 6, 7, 9, 12, 13 and 14 of Schedule I to the Convention should be included in the list in the national legislation (these items concern diseases caused by beryllium (glucinum), phosphorus, chrome, manganese, arsenic, mercury, carbon disulphide and the toxic compounds of each of these substances, and also diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues, diseases caused by ionising radiations and primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances);
- (b) the list in the national legislation should mention not only silicosis (as it does at item 8 of section 136 of the Social Security Code now in force) but it should be supplemented so as to cover other pneumoconioses caused by sclerogenic mineral dust (anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death (see item No. 1 of Schedule I to the Convention);

(c) the list in the national legislation (item 5 of the above-mentioned section), which refers only to poisoning by carbon tetrachloride, should be drafted in general terms, as is done in the Convention (at item 10 of Schedule I), so as to cover all diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series);

(d) the list in the national legislation (item 6 of the above-mentioned section), which relates to anthrax infection, should be supplemented so as to indicate the work giving rise to the presumption of the occupational origin of the disease, as appearing in the right-hand column opposite item 15 of Schedule I to the Convention, taking account, however, of the obligations deriving from Convention No. 18.

3. Article 15, paragraph 1. The new Social Security Code should also give full effect to this provision of the Convention, under which the periodical payments may be converted into a lump sum only in exceptional circumstances and when the competent authority has reason to believe that such a lump sum will be utilised in a manner which is particularly advantageous for the injured person.

4. Articles 19 and 20 (in conjunction with Articles 13, 14 and 18). The Committee requests the Government to furnish in its future reports all the information called for by the report form, including statistics, so as to show that the rates of benefit payable in cases of temporary incapacity, permanent incapacity and the death of the breadwinner attain the levels provided for in Schedule II to the Convention (taking into account the family allowances payable before and, where appropriate, during the contingency). The Government is requested to state whether Article 19 or Article 20 of the Convention is taken as the basis for determining whether the requisite rates have been attained.

5. Article 21. The Committee takes note of the statement by the Government to the effect that the rates of cash benefits have not been reviewed during the period covered by its report. It requests the Government to indicate the measures under consideration to ensure the adjustment of rates of benefits, in accordance with section 127 of the present Social Security Code and this provision of the Convention.

6. Article 22, paragraph 2. The Government is requested to state whether measures are taken, where benefits are suspended, to ensure that part of these benefits may be paid to the dependants of the person concerned in the cases and within the limits prescribed by the national law.

7. Article 23. The Government is requested to state whether any right of appeal exists in the case of refusal of the benefit in disputes other than those relating to the assessment of the state of incapacity governed by section 84 of the Social Security Code.

8. Article 25. The Government is requested to state what responsibility is accepted by the Government for guaranteeing the payment of benefits in practice.

9. Furthermore, the Committee, referring to point V of the report form, requests the Government to give information on the way in which the Convention is applied in practice (for example by supplying

extracts from the annual reports of the National Social Security Fund).¹

*
* * *

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

Convention No. 122: Employment Policy, 1964

Australia (ratification: 1969)

The Committee has noted the information provided by the Government to the Conference Committee in reply to its previous observation. The Government reaffirmed that it considered its employment policies to be consistent with the requirements of the Convention, and that it was only by winding back inflation and other distortions affecting the private sector, that the aim of a strong and sustainable expansion of employment could be achieved. The Government indicated that it had not, as a matter of deliberate policy, chosen to pursue large-scale job creation schemes, although its training programmes had enabled very significant numbers to benefit also from the jobs produced by the related incentives to employers. While interventions to create jobs directly might be inimical to more durable employment growth, in the three years ending December 1981 almost 400,000 new jobs had come into being in the economy. The Government regarded the May 1982 unemployment rate of 6.5 per cent as too high, but substantially better than most OECD member countries, and the situation must also be placed in the context of the prolonged international recession. As regards tripartite consultations in conformity with Article 3 of the Convention, the Government indicated that employers' and workers' representatives on the National Labour Consultative Council had expressed their confidence that, in the light of the Government's recent emphasis placed on consultations, the formal processes would in future be more fruitful from their point of view.

The Committee has taken due note of this information as well as of the views expressed in the Conference Committee. It hopes that, in the light of the continuing high level of unemployment, the Government will describe the steps taken as appropriate under national conditions to keep under review the measures to be adopted for attaining the objectives of the Convention, in accordance with Article 2, and that it will provide a full report in the form approved by the Governing Body in due time for examination by the Committee.

Belgium (ratification: 1969)

Further to its previous observation, the Committee has taken due note of the wealth of detailed information supplied by the Government concerning legislation affecting the employment situation, particularly the Law of 2 February 1982 enabling the Government by royal decree to take measures for economic and financial recovery, the reduction of public expenditure, the rehabilitation of public finances and the creation of employment. Measures taken in consequence include schemes

¹ The Government is asked to report in detail for the period ending 30 June 1983.

directed especially at young unemployed workers; the creation of the new concept of the "third work circuit" under which, until 1986, the State will facilitate the recruitment of the "structurally" unemployed for work outside the market sector, where they will acquire skills for later use also in other sectors; and further arrangements for "work-sharing". The Government believes that the economy can be revived and employment promoted in the long run only by improving the competitiveness of undertakings, while other parallel measures can be taken to help absorb unemployment, particularly where it affects certain categories of workers. The Committee recalls that measures referred to in its previous observation had had a significant impact in limiting the numbers of unemployed, and that new productive employment opportunities were to be promoted through an appropriate restructuring of the economy.

While it will no doubt take some time for the impact of the measures mentioned to make itself felt and the Committee fully appreciates the difficulties encountered by the Government, it also notes that there has been a continued deterioration in the employment situation during the period 1980-82, the unemployment rate having risen to some 12 per cent of the total labour force in the first quarter of 1982, according to adjusted figures published by the OECD; the Committee has noted further that there has been a marked worsening in the employment situation of women, according to figures published by the National Employment Office and by the ILO. The Committee requests the Government to continue supplying full information, and to describe in quantitative terms the effect of present measures on the employment situation and the achievement of the goals of the Convention.

Chile (ratification: 1968)

The Committee refers to its previous observations and direct requests on the Convention. The Committee has noted the detailed information given by the Government to the Conference Committee in 1981, concerning the level of unemployment, which it indicated had fallen to 8.3 per cent in the period February-April 1981, and the rate of employment, which had undergone a sustained increase.

The Committee has also noted, however, official figures cited in a report published on 18 February 1983 by the United Nations, according to which the average rate of unemployment in 1982 was 21.3 per cent, excluding a further 7.4 per cent of the workforce occupied in the Minimum Employment Programme (PEM).

A Government representative in the Conference Committee stated that the Government was considering further legislation to introduce greater flexibility in the labour market and a reduction in labour costs represented by social security contributions. As regards the PEM, the Government representative stated that it was not intended to give productive employment but was a temporary measure to subsidise the unemployed.

The Committee recalls its view, expressed in the previous observation, that workers engaged in the PEM and thus receiving an unemployment subsidy, rather than a wage under a contract of employment, cannot be considered as in productive and freely chosen employment within the meaning of the Convention. It had requested the Government to indicate the manner in which its economic and social policy objectives take account of the requirements of the Convention, namely a policy aimed at ensuring that there is work for all who are available for and seeking it; the Committee had pointed out that such a policy should extend not only to those who are unemployed but also to those working in the PEM.

The Committee has also noted the comments received from the International Federation of Building and Wood Workers (IFBWW) to the effect that the refusal of the Chilean authorities to consult the representatives of persons affected by its economic policies and the very high level of unemployment caused by these same policies constitute an infringement of Chile's obligations under the Convention.

In its reply to these comments, the Government states that it does not accept that there has been a violation of the Convention; in the Government's view, the causes of the unemployment in Chile lie in the world recession. According to the Government, the economy of Chile has passed from a closed one to an open, competitive, and export-based one; however, the recession in the industrialised market economy countries - the principal customers for Chile's products - has, at a time of high unemployment in those countries and a dramatic increase in the price of petroleum products, had damaging repercussions on international trade. As regards the question of consultation, the Government states that it holds permanent consultations with employers' and workers' representatives, including at the level of the President of the Republic and the Minister of Labour; these consultations led towards the end of 1982 to the promulgation of a new law concerning collective bargaining. In the Government's view it is likely that all the matters raised in these consultations would not be agreed to by the Government, since it must have particular regard to the general interests of society. Drafts are also sent for information to the Council of State, in which a workers' representative participates in an advisory capacity. The Government states that the economic and social system adopted by Chile, in which it is the market which regulates resources, the social programmes of the State fulfilling a subordinate role in the distribution of incomes, was approved by all the population in a referendum in September 1980. In addition, collective agreements regulate questions such as the settlement of disputes and lay down compensation for dismissal. Finally, the Government recalls that the present Convention is a promotional one, whose goals are to be achieved by means decided on by the sovereign State.

The Committee fully appreciates the impact of the world recession on the employment situation, and it would refer to its observations in paragraphs 67 to 71 of the general part of its report in this respect. However, in the light of the unemployment situation and the conditions involved in the PEM to which the Committee has referred above, as well as of the comments of the IFBWW, it is not clear how far the Government is pursuing and keeping under review a firm policy adapted to national conditions to promote full, productive and freely chosen employment in the terms of the Convention.

The Committee hopes the Government will take the necessary measures to deal with all problems raised having particular regard to the objectives of employment policy laid down in the Convention, and that it will provide a detailed report in the form approved by the Governing Body, including replies to the various questions it is again putting in a direct request.

Cuba (ratification: 1971)

Further to its previous comments, the Committee notes the limited information supplied by the Government as to the size and distribution of the workforce and numbers undergoing education and training, and as to placements of workers under Decree No. 13 of 1977 and under the system of direct contracts described in Legislative Decree No. 4C of 1980. It also notes the recent rises in the participation of women in the labour force, and that steps have been taken to promote the employment of handicapped workers.

The Committee recalls the Government's previous reference to employment studies and inquiries carried out, for example, as to the causes of fluctuations in the labour force to recommendations, to improve labour force stability, and to increase utilisation of female labour. The Committee would hope that the Government will communicate the substance of these studies and recommendations and provide further detail as to the measures taken and results achieved in this respect, so that it might obtain a more complete appreciation of the manner in which the Convention is applied. It is referring to some specific questions in a direct request.

Denmark (ratification: 1970)

Further to its previous direct requests, the Committee has noted the information provided by the Government in its report and published by the Ministry of Labour concerning the employment situation and labour market policy. According to the figures given, unemployment has risen to 9.1 per cent of the total labour force in 1981, after a temporary fall throughout 1979, and the Government expects that with a continued increase in the number of new entrants to the workforce the 1982 figure will be somewhat higher; stagnation of employment or only a slight increase was expected for 1982. The Government indicates that economic policy in the coming years will first and foremost aim at improving competitive power, and that a very high level of unemployment will persist into the mid-1980s, when it is hoped that improved industrial production will enable not only increased employment in the tertiary sector but generally a policy to promote greater economic activity and hence employment. The report also describes the differences in the employment situation of those categories of worker experiencing special problems, such as women, the unskilled, the young, and those who have been unemployed for prolonged periods.

However, the report provides information on certain government sponsored measures being taken to alleviate these problems, including the "job offer" scheme introduced by Act No. 286 of 9 June 1982, assuring a job in an ordinary place of work, and also retraining and the maintenance of working capacity, for the long-term unemployed; a job creation scheme enabling local authorities and private undertakings to initiate projects employing 18 to 25 year olds; and various training activities by private and public undertakings. The Committee hopes that in its next report the Government will include details of the implementation of these schemes, including statistics of the numbers of workers benefiting from them, and describe the effect on the employment situation of training and work experience given in this way. The Committee also trusts that in the formulation and management of overall and sectoral development policies (including steps taken to improve competitiveness and trade), the Government will have due regard to the need under the Convention constantly to pursue the employment objectives laid down as a major goal.

Finland (ratification: 1968)

1. Further to its previous observation, the Committee has noted with interest the information provided by the Government concerning consultations with employers' and workers' organisations on manpower and employment questions. It has also noted the indications of measures taken in this respect and in particular with regard to the preparation of a new employment and labour policy programme covering the period until 1995 and aiming at the attainment and maintenance of full employment.

2. The Committee notes with interest the comments of the Finnish Employers' Confederation and the Confederation of Commerce Employers, to the effect that there has been favourable development of the tripartite consultations on employment policy taking place in the Manpower Council, especially following the appointment of a new permanent Secretary-General for it. The Committee hopes the intensification of such consultations will continue, and that the representatives of other persons affected by employment measures, including for example the Salary, Wages and Conditions Board for Local Government Offices, will also be consulted, in accordance with Article 3 of the Convention.

3. The Committee notes on the other hand that the unemployment rate remained relatively high in the period covered by the report (5.9 per cent in the first quarter of 1982 according to standardised figures published by the OECD), and the Government expects the employment situation to weaken again in 1982-83. The Government attributes the relatively high level of unemployment partly to increased labour supply; its development plan submitted to Parliament in 1982 aims to promote employment and restrict labour supply through economic, industrial and training policy measures. As regards employment services, a regional vacancy information service has been introduced; the experiment for compulsory notification by employers of vacancies encourages co-operation between employers and employment services; and the costs of removal due to placement in employment are to be further compensated. The Government indicates that the experiments ensuring employment for under 25 year-olds have produced mainly positive results.

4. In their comments the employers' Confederations stress the major importance of economic policy measures in promoting employment. They point out that the supply of labour to certain professions and regions has not wholly met the demand for it. In these conditions, they consider that the employment services should be developed so as to encourage those on the labour market to adapt to changes - an approach which they say should also be taken into consideration in the question of income guarantee for the unemployed. The employers' Confederations do not favour recent experimentation with compulsory notification of vacancies or schemes aimed at ensuring employment for under 25 year olds.

5. The Central Organisation of Finnish Trade Unions (COFTU) agrees on the importance of economic policy measures, and considers that budgetary policy should include more measures aimed at recovery of the national economy and trade balance. It observes that there is a shortage of labour in certain public services. The COFTU supports the creation of jobs in the private sector, which, it says, is stimulated by the reduction of inflation.

6. The Confederation of Salaried Employees in its comments draws attention to the need for systematic training and retraining in the light of the effects of new technology on employment opportunities; it advocates research based on the tripartite principle in this connection. The Confederation also calls for greater analysis of the effects of shortened working hours on employment.

7. The Committee takes due note of the opinions and suggestions expressed by the employers' and workers' organisations, and of the information communicated by the Government. It hopes that these comments will be fully taken into account by the Government in the formulation of policies to deal with the weakening employment situation, so that full co-operation can be enlisted for the policies adopted in terms of Article 1 of the Convention, due regard being had

to the mutual relationships between employment objectives and other economic and social objectives. It hopes the Government will communicate full details of the new employment legislation and programmes being prepared in co-operation with the Manpower Council.

France (ratification: 1971)

Further to its earlier comments, the Committee has taken due note of the information supplied by the Government to the effect that it continues to face a difficult employment situation even though the rate of increase in unemployment has appreciably slowed down in comparison with the preceding period. The Government states that it has made the campaign for employment promotion "a national imperative". Its report describes the broad lines of its two-year Interim Plan (1982-83), as well as the main thrust of its policy aimed at stimulating economic activity and creating new jobs. It lists the various steps taken to apply this policy and indicates that it attaches the greatest importance to a more equitable sharing of incomes and to the essential role which collective bargaining can play in the progressive reduction of inequalities in employment matters and in the promotion of solidarity in the face of unemployment.

While noting with interest, from the official statistics, a slight decline in the number of unemployed and an increase in job offers towards the end of 1982, the Committee nevertheless notes that the unemployment rate remains at a level of around 8.2 per cent - that is more than 2 million jobseekers, including a considerable and growing number of young people below the age of 25 - and that at the same time there has been a rapid progression in the number of long-term unemployed.

The Committee hopes that the Government will continue its efforts to stimulate economic activity and implement its employment promotion policy, and that, in its next report, it will be in a position to provide details, supported by relevant statistical data, about the concrete results obtained by the measures taken. The Committee refers in this connection particularly to the new device of the contracts of solidarity, which establish a link between recruitment (of young persons and other disfavoured categories, including the long-term unemployed) and voluntary departures on early retirement and the reduction of working time; the Committee welcomes the information provided in this respect.

The points on which the Committee would wish to receive more detailed information are listed in a direct request addressed to the Government.

Federal Republic of Germany (ratification: 1969)

The Committee notes the information provided by the Government in its report, to the effect that since the last reporting period unemployment has increased, reaching a peak of 8.2 per cent in January 1982. Although there was a diminution to 6.8 per cent in June 1982, this was mainly seasonal, and the Committee notes that unemployment has continued to worsen subsequently. The Government indicates that unemployment rose less among women, part-time workers, the severely handicapped and older workers, than among men and under 20 year olds. The report states that labour market policy has been adapted to the need to consolidate public finances in the light of the rapid deterioration in the general economy, by the adoption of measures designed to concentrate expenditure on the unemployed and those

threatened with unemployment and to reduce certain abuses. Further, in February 1982 in its Joint Initiative for Jobs, Growth and Stability, the Government proposed other measures to encourage investment and public and private construction works, and in aid of training and employment for the young; these measures were to have been financed by an increase in value-added tax from 6.5 to 7 per cent, according to the Government's proposals, although such tax increase was not adopted by the legislature. The Committee has taken due note of these measures and appreciates the Government's efforts in this respect. It hopes that progress will be made in the next reporting period towards achieving the goals of employment policy laid down in the Convention, and that the Government will give details of the results of the measures mentioned, as well as the incidence on employment of the overall and sectoral policies referred to in the report form approved by the Governing Body.

Guinea (ratification: 1966)

Further to its previous observations, the Committee notes the information in the report of the Government concerning the creation of the local agricultural and pastoral farms (FAPA) and agricultural-communal farms (FAC) which are designed to provide employment for most agricultural graduates as well as other workers of various kinds. The Committee has also noted from the Five Year Plan for 1981 to 1985 the importance placed on development of handicrafts and small and medium-sized enterprises and the official statements as to past mistakes made in estimating the amount of investment available, in supervising the fulfilment of the Plan, and in the lack of sufficient statistical analysis. The Committee would hope that in its next report the Government will include copies of the resolutions of national and regional councils referred to in the report, and give greater detail of the progress of policies in these areas, so that it may better appreciate the extent of the attainment of the goals of full, productive and freely-chosen employment laid down by Article 1 of the Convention.

The Committee would be grateful if the Government would supply a detailed report in the form approved by the Governing Body, as has been requested in previous comments, and give particular attention to (a) the supply of statistics and other data concerning the employment situation, indicating how far the objectives of the Five Year Plan of increasing employment in the public sector by 45 per cent to 153,880 and in the private sector by 75 per cent to 35,380 are being achieved; (b) the estimated manpower requirements of FAPA and FAC and the results obtained in providing them; (c) the measures taken, with ILO/UNDP assistance and otherwise, to encourage handicraft employment in rural areas so as to enable the development of employment in industry to proceed in a more balanced manner in the country as a whole; (d) the steps taken by the national office for the promotion of small and medium-sized enterprises, created by Decree No. 146/FRG of 2 April 1980; (e) the way in which, whether through formal bodies or otherwise, it is ensured that the persons affected by the policies in this area, especially employers' and workers' representatives, are consulted with a view to securing their full co-operation, as required by Article 3 of the Convention.

Ireland (ratification: 1967)

1. The Committee notes that no report has been received from the Government for the period ending June 1982 and that the previous report as to the position in June 1981 arrived too late for examination

at its last session. The Committee notes the detailed information provided in that report in reply to its previous comments as well as the information on vocational training and guidance supplied in connection with Convention No. 142.

2. In its report the Government indicates that measures aimed at the increase of employment and economic growth have included comprehensive manpower policies and direct government job creation schemes as well as specific sectoral action. The Government has placed emphasis on expanding industrial output and promoting especially small industries; it has introduced a youth employment programme and work experience for the young. However, economic planning work subsequent to 1980 has concentrated on reassessing assumptions and goals formerly set, in the light of the deepening international recession. The Committee notes in this connection that, following an improvement in the levels of employment and unemployment up to 1979, unemployment rose to 10.3 per cent and 13.5 per cent in 1980 and 1981, respectively, according to figures published by the ILO.

3. In comments received from the Irish Congress of Trade Unions (ICTU) the text of certain motions adopted by the Congress in July 1982 has been communicated. The ICTU states that the major thrust of economic policy must be in a dynamic programme of job creation in the public sector, making use of natural resources, and the cornerstones of economic planning must be the development of public enterprise and the more effective control of financial institutions. The ICTU states that the economic strategy adopted by successive governments has clearly failed, and the main components of an alternative economic strategy must include increased public and financial institution investment in new wealth-creating industries and services and a greater accountability of use by the private sector of public funds; changes in the capital structure of public enterprises, at present burdened with high debt service, and improvement in their efficiency, together with increased worker participation in them at all levels; reduction of working hours and strict control of overtime; protection of jobs and wages through changes in company law; if necessary, temporary import controls; and greater equity in the taxation system. The ICTU also draws particular attention to the need for positive measures in favour of employment in the energy, textiles, construction, cattle and forestry industries, and those using new technologies.

4. The Committee has taken careful note also of the work of the tripartite Manpower Consultative Committee (MCC), and it welcomes the information on the consideration being given to various aspects of employment policy as defined by the Convention.

5. The Committee hopes that the Government will supply a full report in due time for its next session and that it will deal with the points raised by the ICTU as well as other matters referred to in a direct request.

Italy (ratification: 1971)

1. Further to its previous direct requests, the Committee notes the Government's statement that among the serious problems in the Italian economy particular importance is attached to the articulation and implementation of a policy to deal with increasing unemployment. The Government provides detailed statistics and indicates that unemployment reached 1,913,000 people (8.4 per cent) in 1981 and is expected to reach some 3,000,000 in the course of 1983. In this context, the Government indicates that Bill No. 1602 has undergone many

drafting changes and is still before Parliament: the Bill contains provisions which are intended to improve the functioning of the labour market, although delays have occurred through criticisms made of it by the trade unions and employers and also in the Labour Committee of the Senate. The Committee notes that the Bill might, when enacted, deal with particular items such as facilitating first-time employment, and the promotion of workers' mobility and placement facilities - in part through increased decentralisation to regional and district bodies; however, the report supplies no details of steps taken to ensure that an active over-all policy designed to promote the goals of the Convention is being formulated and pursued and kept under review in the light of the Government's view of the seriousness of the employment situation. The Committee hopes that in its next report the Government will provide further information in this respect.

2. The Committee notes the Government's reference to developments at the level of the undertaking as regards part-time work, flexible working hours, and the improvement of productivity. It also notes the measures taken to encourage pre-retirement. It would be glad if in its next report the Government would indicate its own policies on these questions, within the framework of an over-all employment policy, and describe further the effects of these developments, as well as developments in the employment situation in the different regions, for different age groups of the population and for the handicapped.

3. The Committee notes the Government's statement that the implementation of an effective employment policy must be the collective responsibility of the whole Government with the necessary agreement of the political parties and the social partners. It notes also the special arrangements in operation until June 1983 in the regions struck by earthquakes for Regional Employment Commissions, where trade union and employer representatives amongst others may participate: these bodies have wide-ranging competence for supervision of active interventions in labour policy under the Ministry of Labour, and there is further provision for tripartite participation in District Commissions. Bill No. 1602 would also provide for the general constitution of regional and district employment commissions of a similar kind. The Committee would emphasise that many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour questions, and, according to national conditions, may call for the involvement of various national authorities. Further, the Committee welcomes the information on consultations of representatives of employers and workers and other persons affected by employment policy measures, which take account of their experience and views and help to secure their co-operation in this respect, in accordance with Article 3 of the Convention. It hopes the Government will continue its efforts in this direction and provide full details.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes that the Government has not communicated a report for the period ending 30 June 1982.

It has nevertheless taken note of the information supplied in 1981 in reply to its previous comments and in particular concerning wages policy and developments in this field over the last few years. The Committee hopes that the Government will not fail to send a report in time for examination at its next session and that this report will be established in the format indicated in the report form adopted by the ILO Governing Body and that it will also contain full information on the points raised in a new direct request.

Madagascar (ratification: 1966)

The Committee notes with regret that for the third year in succession the Government's report has not been received. It hopes that a full report in the form approved by the Governing Body will be supplied for examination by the Committee at its next session, and that it will contain full information on the matters raised in a direct request.

Netherlands (ratification: 1967)

1. Further to its previous observation, the Committee notes the information supplied by the Government concerning the measures to combat unemployment. However, due to the deterioration in the economic situation, instead of the employment policy objectives being achieved, unemployment in 1982 averaged 12.4 per cent according to figures provided by the Government. The number of job vacancies has been falling drastically, and there is a disproportionately high risk of unemployment for certain groups of the population, such as young school-leavers, women, the partially disabled, older people, and members of cultural minorities. The report describes measures and policies adopted in the field of manpower management and vocational training schemes and deals in particular with schemes designed to aid young workers.

In a supplementary report, the Government states that its central objective in the social and economic field is to halt and if possible reverse the rise in unemployment, which will require structural changes in industry as well as new ways of sharing the available work. It indicates that labour supply has been increasing in recent years; however, interest rates and inflation have recently fallen, which is expected to produce favourable effects. The Government's policy now centres on reducing public expenditure and the public sector deficit, strengthening the market sector by lightening the tax and social security burden and pursuing an "economic structure policy", as well as "work-sharing". While the last-mentioned element is aimed at relieving unemployment in the short term, the other elements are aimed at economic recovery with only a longer-term positive effect on employment and involving certain sacrifices in the short term particularly amongst those in the public sector, according to the Government.

The Committee has taken due note of this information as well as of the indications given in the report as to the Government's over-all economic policies, although the Government states it is unable to point to the results of the various measures in terms of employment. The Committee hopes that the next report will include further details in this respect, and that it will describe the employment situation in the light of the objectives of the Convention and in relation to the measures taken under the Government's policy outlined in the report, dealing in particular with the matters referred to in a direct request.

2. The Committee recalls that in its previous observation it drew attention to the Government's concern to improve supply-and-demand match on the labour market, and it has noted in this connection the information provided in the report on Convention No. 88 as to the new-style employment offices: the current approach involves giving greater play to regional considerations in implementing the main points and principles of manpower policy established at the national level. The Government indicates that the delegation of powers to various bodies in the hierarchy has to be accompanied by greater consultation of local industry and local authorities responsible. The Committee hopes that the next report will give full details of the intended strengthening of

the role of public employment services as a means of promoting the aims of the Convention, including information on any expansion of procedures for consulting persons affected, particularly employers' and workers' representatives, in accordance with Article 3 of the Convention. The Committee also hopes the Government will be able to describe the results obtained by the new approach in the employment services, in terms of improvements in the employment situation particularly of the groups of the population mentioned above.

New Zealand (ratification: 1965)

The Committee notes the detailed information contained in the Government's report and the comments of various workers' and employers' organisations forwarded by the Government.

The Government in its report states that a sustainable increase in employment can be promoted by macro-economic policies aimed at increasing output and thus demand for all primary products; by policies aimed at reducing the real cost of labour relative to labour productivity; and by policies aimed at improving the functioning of the labour market at the micro level. The Committee notes that in this perspective the Government has adopted a number of measures designed to free the economy from excessive controls and allow more international competition in an effort to promote the adjustment towards a more internationally competitive and flexible economy. These include (i) a switch from import quotas to tariffs as a form of protection; (ii) a review of which industries are to be protected, in consideration particularly of a major trade agreement; (iii) a move towards a more market-oriented strategy by placing more emphasis on increasing the productivity of investment than on its aggregate level, and by letting relative prices better reflect relative scarcities and allowing the exchange rate to fall (pace a current wage and price freeze); (iv) measures to "free up" non-manufacturing sectors through some deregulation and other steps; (v) a co-ordinated regional investment plan; and (vi) reducing government spending and the fiscal deficit. Specific measures have been introduced, according to the report, and continuing efforts have been made through consultation with those affected by employment policies (i.e. employers' and workers' representatives) to alleviate particular problems and assist job creation, for example by developing educational and training policies, and consideration of the encouragement of special "youth rates" or retraining and relocation allowances. The report also refers to a number of measures to meet the needs of particular groups of workers, such as women, Maoris and Pacific Islanders, and in the field of labour market policy.

The New Zealand Federation of Labour (NZFL), in its detailed analysis of the different aspects of the Government's employment policies, states that a clear conflict exists between the Government and unions on the issues covered in the Convention, and that the unions do not consider that the creation of employment opportunities is a priority of the Government's economic management. The NZFL draws attention in particular to the question of the inadequacy of statistics and general information on the labour market and government employment schemes; and to the need for more rational administration of job creation and training schemes and for efforts to be made to assess their effectiveness. The NZFL states that the Government has deliberately accepted unemployment as a consequence of policies aimed at reducing real wages, and that its economic development policies are inefficient and unlikely to improve employment. As regards the question of consultations, the NZFL states that important decisions are taken without consultation of the trade union movement, and that the Consultative Committee on Employment Policy should be strengthened for this purpose.

The New Zealand Combined State Unions (CSU) considers that the Government's actions have contributed to the present poor employment situation; economic and fiscal measures have depressed the real value of wages and, according to the CSU, through measures such as the wage freeze and recent tax changes the Government is denying unions their normal rights to bargain until July 1983 at the earliest. The CSU states that the over-all economic strategy of the Government is to support overseas and big local capital at the expense of the New Zealand people generally - a situation which leads to a downturn in local consumption and consequent rising unemployment.

The New Zealand Employers' Federation (NZEf) states that it does not accept the Government's opinion that there is a lack of competition in the economy, but it considers that rising unit labour costs place constant stress on employers in industry. The NZEF points out that farmers are price-takers in the international scene, and they must build up stock numbers in order to offset increases in processing and transport costs and keep their farm operations viable.

The Committee takes note of these comments of workers' and employers' organisations, which assist it in obtaining as a full a picture of the manner in which the Convention is applied as possible. It notes that the Government's report deals with various aspects of its policy affecting employment raised by the comments of the NZFI, the CSU and the NZEF, and it welcomes the information provided on measures which have been taken. The Committee notes that, according to figures published by the Government and the OECD, the standardised unemployment rate has risen from a low of 2.1 per cent in 1976 to 4.6 per cent in 1981, and further increases were expected in 1982 and 1983; the Government states that this is associated with weaker growth in the demand for labour rather than with any abnormal increase in labour supply. The Committee recalls that under Article 1 of the Convention, an active policy designed to promote full, productive and freely chosen employment should be declared and pursued with a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements, and overcoming unemployment and underemployment. Under Article 3, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, should be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies.

The Committee hopes that in its next report the Government will deal with the comments raised by the workers' and employers' organisations in this light, particularly as regards the matters referred to in a direct request.

Spain (ratification: 1970)

Further to its previous direct requests, the Committee has noted the detailed information communicated by the Government, as well as the analysis of the results obtained in 1981 by the various policy programmes. The Committee notes however that according to the report, the rate of unemployment had increased to 13.5 per cent in December 1981, a level which was maintained into the summer of 1982; the level has apparently continued to rise since then. The report refers to a number of legislative measures taken concerning part-time work, temporary work, training, placement services, early retirement, employment of handicapped persons, and industrial policy, as well as to the National Employment Agreement of June 1981 between the Government and employers' and workers' organisations; however, it states that it has not yet been possible to assess the results achieved by these means.

The Spanish Confederation of Employers' Organisations in its comments criticises the adoption in July 1981 of Royal Decrees Nos. 1361, 1362, 1363 and 1364 relating to temporary work and training. It considers that they did not sufficiently develop the rules laid down in the Workers' Charter, so that further Royal Decrees were adopted in July 1982 dealing also with the employment of handicapped people and women with family responsibilities as well as measures to encourage employment in the regions.

The Committee hopes that, in the light of the current employment situation, the Government will in its next report give full details of the policies and programmes pursued with a view to promoting full, productive and freely-chosen employment as a major goal, in the terms of the Convention. It hopes that special efforts will be made to assess the impact of measures taken, and it recalls in this connection that the preparation of a full report on the Convention may require consultation between various ministries or government agencies, such as those responsible for planning, economic affairs and statistics, as well as labour. The Committee hopes the report will deal in particular with matters it is raising in a direct request.

USSR (ratification: 1967)

The Committee refers to its observations under Conventions Nos. 29 and 111, as regards comments received from the International Confederation of Free Trade Unions to the effect that the Soviet Union has failed to secure the effective observance of the present Convention in respect of the provisions concerning freedom of choice of employment in Article 1(2)(c). The Committee has referred in a direct request to measures recently adopted by the Government in this connection and would be grateful if the Government would supply further information on the role of the placement offices and, in particular, on the manner in which they assist citizens "to give effect to the right guaranteed them by the USSR Constitution to work, to choose their occupation, type of job and work in accordance with their inclination, abilities, training and education ...", as provided in section 1 of Order No. 361 of the State Labour and Social Affairs Committee, dated 1 December 1980.

United Kingdom (ratification: 1966)

Further to its previous observation, the Committee has noted the detailed information communicated by the Government to the Conference Committee in 1981 and in its report for the period 1980-82. The Committee has also noted the comments on the application of the Convention supplied by the Trades Union Congress.

I. 1. In its report and supporting documentation the Government gives details of developments in the employment situation and of selective measures taken or proposed to deal in the short term with the problems of some of those categories particularly affected by unemployment, such as young workers and the handicapped, as well as of labour market policies and the organisation of the employment services. According to the Government's information, the number of persons in employment fell by some 2 million in the reporting period, and the number of registered unemployed in June 1982 was 3,061,200, representing a rate of 12.8 per cent as against 6.9 per cent in June 1980. The Government reaffirms that this significant fall in employment and the very sharp rise in unemployment are a matter of great concern to it: its policies are designed to create a framework for sustained economic expansion and opportunities for everyone to obtain economically viable employment by the promotion of an efficient

and competitive market economy and the pursuit of monetary and fiscal policies designed to reduce inflation to a low and stable level; it states that competitiveness improved by some 10 per cent in 1981. The Government regards the loss of employment and output as a "transitional" problem, which it has sought to mitigate by giving considerable temporary assistance to industry and by introducing programmes designed to help particularly hard hit groups among the unemployed. The Government believes that, while in the short term rapid productivity growth may be at the expense of employment, in the long term, by enhancing competitiveness and efficiency, it forms the basis for sustained growth in both employment and output. The Government describes certain vocational guidance and employment services operating; it points out that freedom of choice of employment, in the terms of the Convention, is limited not only by the skills and attributes of the jobseeker but also by the availability of work as well as the ability of the public employment service to get employers to notify vacancies to them.

2. The Trades Union Congress (TUC) in its comments states that the number of registered unemployed significantly understates the real extent of unemployment, which the TUC estimates at 4.5 million in the autumn of 1982 after taking account of those not registered, those covered by special employment schemes, and those working short time. Of those registered, over 1 million were unemployed for over a year; 1.3 million were under 25; and over 1 million were women. The TUC states that the increase in unemployment and the fall in output have been significantly greater in the United Kingdom than in any other industrialised country, and that the failure of the British Government should be seen in the context of the substantial advantage of being self-sufficient in oil and other energy resources. Although the rate of inflation fell in the last year and was expected to fall further, the Government offered no explanation of the effects on employment, and did nothing to deal with expected further increases in unemployment or to promote the creation of sufficient jobs, according to the TUC. The Government applied pressure to have workforces reduced both in nationalised industries and public and health services and in the private sector, forcing loss of jobs in textiles and paper-making industries through the refusal of financial help and in certain sectors of public industry through "privatisation". Measures taken in the manpower and training areas were of practical but limited help, and the long-term unemployed have continued to be neglected; most people assisted by schemes such as the Youth Opportunities Programme will afterwards return to being unemployed, according to the TUC. The TUC's own strategy for reducing unemployment and promoting growth involves immediate increases in public spending to initiate recovery, a medium-term programme to remove constraints on meeting employment needs at the same time as ensuring growth, reductions in working time, and active industrial policies for the public and private sectors. The TUC's view is that the Government has refused to make the achievement of a high level of employment a major goal of policy and that it has failed to fulfil the obligations of the Convention.

3. The Committee recalls the Government's reaffirmation to the Conference Committee of its adherence to the principles of the Convention and to the pursuit, as a major goal, of policies designed to promote full employment. It recalls the Government's statement in this context of its conviction that the fundamental solution to the problem of inadequate growth and high unemployment lies in reducing inflation, and it notes in this connection that the rate of inflation has fallen to 9.4 per cent in June 1982 as against 18 per cent in 1980; however, at the same time as the rate of inflation has continued to fall throughout the reporting period and 1982, the unemployment situation has continued to worsen. Moreover, the OECD forecasts further rises in

unemployment and loss of production in 1983-84, despite a continued fall in the rate of inflation. The Committee has welcomed the information on measures taken in particular with regard to the employment of young people. It fully appreciates that the pace of technological and market changes necessitates changes in economic structure, and that rapid inflation increases uncertainty and damages confidence. However, the report does not provide any evidence of a favourable impact on employment of the Government's policies in this respect and it is not apparent that employment considerations as defined by the Convention are the subject of an active policy on the part of the Government. The Committee expresses the hope that the Government will have due regard to all the requirements of the Convention, and that it will provide full information on its policies and the development of the employment situation.

II. The Committee has noted the information in the Government's report and supplied to the Conference Committee in reply to its previous observation concerning the consultation of employers' and workers' representatives as to employment policies with a view to taking fully into account their views and experience and securing their full co-operation in formulating and enlisting support for them, in accordance with Article 3 of the Convention. The Government states that tripartite consultations take place at the national level in the National Economic Development Council (NEDC) and the Manpower Services Commission (MSC), and locally in district manpower committees. A Government representative in the Conference Committee stated also that the impact on government policies of the TUC and the Confederation of British Industry was important and should not be underestimated: the fact that the Government had not adopted the views of the TUC as a result of these consultations did not mean these had not been considered in good faith.

The TUC in its comments states that the Government has refused to enter into constructive discussions with it as to its economic policy proposals, and has failed to meet its obligations to consult the trade union movement. It states that important manpower measures such as the Job Splitting Scheme were not discussed by the MSC in advance of their announcement.

The Committee hopes the Government will provide further information on the consultations taking place not only in the NEDC and the MSC with employers' and workers' representatives, but also elsewhere with representatives of other persons affected by employment policies.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Bolivia, Byelorussian SSR, United Republic of Cameroon, Chile, Comoros, Cuba, Cyprus, Czechoslovakia, France, Hungary, Iran, Iraq, Ireland, Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mauritania, Netherlands, New Zealand, Papua New Guinea, Philippines, Poland, Romania, Spain, Suriname, Sweden, Thailand, Turkey, Uganda, Ukrainian SSR, USSR, Yugoslavia.

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

Requests regarding certain points are being addressed directly to the following States: Belgium, Bolivia.

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

Requests regarding certain points are being addressed directly to the following States: Bolivia, Byelorussian SSR, Czechoslovakia, Djibouti, Gabon, German Democratic Republic, Jordan, Madagascar, Tunisia, Uganda, Ukrainian SSR, USSR.

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

Convention No. 125: Fishermen's Competency Certificates, 1966

Sierra Leone (ratification: 1967)

With reference to its earlier comments, the Committee notes from the report of the Government that the new comprehensive fisheries legislation is still being prepared with the assistance of a legal consultant, whose final report is still awaited.

Since there is no legislation on this matter, the Committee again expresses the hope that the present efforts will soon lead to the adoption of national laws giving effect to the Convention.

Convention No. 127: Maximum Weight, 1967

Chile (ratification: 1972)

The Committee notes the Government's reply to its previous observations and direct requests, and in particular the information on Articles 5 and 8 of the Convention (concerning respectively the training in appropriate working methods of workers assigned to manual transport of loads, and consultations of the employers and workers concerned).

The Committee notes, however, that sections 111 to 113 of Legislative Decree No. 2200 of 1 May 1978, which referred to the weight of manually transported loads and which ensured, albeit only partially, the application of certain provisions of the Convention, have been repealed by Act No. 18018 of 14 August 1981. In its report received in 1982, the Government did not indicate whether the repealed provisions were replaced by other regulations, but only referred to Act No. 6174 of 1938 on preventive medicine and to Act No. 16744 concerning occupational accidents and diseases, the provisions of which are not sufficient to give effect to the Convention.

The Committee therefore requests the Government to indicate what provisions of legislation or regulations apply Articles 2, 3, 4, 6 and 7 of the Convention.

With regard in particular to Article 7 (under which the assignment of women and young workers to manual transport of loads other than light loads shall be limited, with the maximum weight of such loads to be substantially less than that permitted for adult male workers), the Government refers to sections 24 and 25 of Legislative Decree No. 2200, which prohibits the employment of young persons under 18 years of age and of women in underground work or in tasks classified as being beyond their strength or dangerous to their health or morals. The Government adds that national practice is that young persons and women shall not be assigned to the transport of excessive loads. The Committee notes this statement and requests the Government to indicate whether there are any regulations which apply these sections, or any resolution or instruction which establishes a list of the work prohibited for this category of workers, and whether this list includes the manual transport of loads or indicates the weight considered to be excessive.¹

Italy (ratification: 1971)

The Committee has been calling attention for a number of years to the necessity of taking measures to ensure the application of the Convention to workers carrying out the manual transport of loads in all sectors of economic activity, whether they are self-employed workers (who, the Government states, carry out this work in most cases and are, in fact, covered by labour inspection) or workers bound by a contract of employment (even if they are employed only intermittently on the manual transport of loads). The Committee has also asked the Government to take measures to limit the assignment of women to this form of transport and to fix for them a maximum weight substantially less than that permitted for men (in accordance with Article 7 of the Convention).

In its replies to the Conference Committee in 1980 and 1982, and in the report received in April 1982, the Government stated that, with regard to self-employed workers, directives have been adopted by the Ministry of Labour in accordance with the opinions and the regulations of the Central Commission for Portage and that these directives provide for the limitation of the weight that may be transported manually by workers in all sectors of activity. As for workers bound by a contract of employment, collective and other agreements adopted in recent years, particularly in the metalworking and food sectors, contain special provisions in this matter corresponding to those of the Convention.

The Committee takes note of this information and again expresses the hope that the Government will not fail to communicate the text of the directives and regulations in question and a copy of at least one of the above-mentioned collective agreements so that it may assess the extent to which effect is given to the Convention.

With regard to women workers, the Government refers to Act No. 903 of 1977, which instituted the principle of equality of treatment between men and women in respect of employment, but, whereas in 1980 it stated that exceptions to this principle could be made by collective agreement "for particularly arduous jobs" and added that it would supply copies of agreements, in 1982 it modified its statement by saying that the principle of non-discrimination laid down by law could not be set aside by collective agreement.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

The Committee is bound to point out that the measures provided for by Article 7 of the Convention do not infringe the principle of non-discrimination in respect of employment (advocated, moreover, by the earlier Convention No. 111) but are intended simply to protect the health of women, in the same way as that of the young workers covered by the same Article. It therefore asks the Government to reconsider the question and trusts that appropriate measures will be taken to give effect to the Convention on this point as well.¹

Madagascar (ratification: 1971)

With reference to its earlier observations, the Committee notes that the reports of the Government received in April and November 1982 contain no information on any measures which may have been taken to limit the weight of loads that may be transported by adult men, measures that were to be dealt with by the decrees to be issued under the Labour Code referred to by the Government in its report for 1977.

The Committee trusts that these measures will be adopted shortly and that the Government will report any progress made in this connection.

Panama (ratification: 1970)

Following its previous comments, the Committee notes with satisfaction that Order No. 21 of 30 November 1981 was modified by Order No. 15 of 30 June 1982 which regulates the maximum weight to be carried by women of more than 21 years of age, thus giving effect to Article 7 of the Convention.

Thailand (ratification: 1969)

In its previous direct requests, the Committee had pointed out that the existing legislation did not ensure the application of the following provisions of the Convention: Article 3 (prohibiting any adult male worker from carrying manually loads of a weight liable to endanger his health or safety), Article 5 (provision of adequate training to all workers assigned to manual transport of loads) and Article 7 (limitation of assignment of women and young workers to manual transport of loads other than light loads; prescription of maximum weight of loads carried by these workers, such maximum weight to be substantially lower than that permitted for adult men).

The Committee notes from the Government's last report that new legislation on labour protection is being prepared by a tripartite Committee of the National Labour Advisory Council. It hopes that this legislation will ensure the full application of the Convention and that its provisions on maximum weight will apply to all branches of economic activity in respect of which there is a system of labour inspection, in accordance with Article 2, paragraph 2, of the Convention. The Committee would ask the Government to indicate in its next report the progress achieved.

*
* *

¹ The Government is asked to report in detail for the period ending 30 June 1983.

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

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

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

Finland (ratification: 1976)

The Committee takes note of the information provided by the Government in respect, in particular, of the application of Part IV (Survivors' Benefit) of the Convention.

Part III (Old-Age Benefit). Article 15, paragraph 3 (in conjunction with Article 18). The Committee takes note with interest of the recommendation for the lowering of the pensionable age of persons employed on arduous work contained in the Second Report of the Committee on Pensionable Age, which was enclosed with the report of the Government. It also notes the comments on the lowering of pensionable age made by the Finnish Employers' Confederation and the Confederation of Commerce Employers, in connection with the application of this Convention. The Committee would be grateful if the Government would communicate in due course copies of the legislation that should make it possible, in particular, to give full effect to the above-mentioned provision of the Convention.

*
* *

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

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

France (ratification: 1972)

Article 6, paragraph 3, Article 14 and Article 21 of the Convention. In its previous observation, the Committee, referring to the comments of the National Staff Union of the Inspectorate of Labour Laws in Agriculture (SNPILSA-CFDT), asked the Government: (a) to study the possibility of taking measures to relieve the labour inspectors of the tasks that do not relate to their primary duties as defined in Article 6, paragraphs 1 and 2, of the Convention, particularly those relating to the supervision of agricultural mutual social insurance funds, and (b) to indicate the measures taken or contemplated to increase the number of labour inspectors in agriculture, so as to improve the efficiency of the supervision of agricultural undertakings.

The Government replies that supervising those coming under the various laws of social protection in agriculture and the beneficiaries of these laws must be considered an activity performed to enforce the

rights of the workers and their families and that the same is true of supervising the operation of the administrative bodies. The Government adds that these supervisory activities respecting social protection are no obstacle to the performance of the duties of labour inspection and that it is not, therefore, planned to change the duties entrusted to these services. On the other hand, in order to enable them to carry out the whole of their duties in better conditions, the staff of these services has been increased through the creation, under a supplementary budget for 1981 and 1982, of 35 new posts of labour inspector and supervisor of social laws.

The Committee takes due note of this information. It asks the Government to state in its next report whether all the posts under the budget have been filled and to provide detailed information on the number and frequency of inspection visits to agricultural undertakings.

Article 23. The Committee notes the explanations given by the Government showing that the practice of having reports initialled by regional directors before submission to the Prosecutor's Office is not intended to check advisability, but consists in a verification carried out to avoid the submission of reports lacking legal foundation or inadequately substantiated.

Article 26. The Committee notes that no report on the work of the labour inspection services in agriculture has yet reached the ILO. It wishes to point out again that under this Article of the Convention a report must be published each year within the 12 months following the year to which it relates and transmitted to the ILO within 3 months of publication. The Committee again expresses the hope that the Government will not fail to take the necessary measures to ensure that annual reports of inspection in agriculture are published within the period laid down and that they contain all the information mentioned in Article 27 of the Convention.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Colombia, Denmark, France, Madagascar, Morocco, Netherlands.

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

Finland (ratification: 1974)

Article 22 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that Act No. 471 of 1981 makes it possible to give full effect to this provision of the Convention.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Costa Rica, Czechoslovakia, Finland, Federal Republic of Germany, Libyan Arab Jamahiriya, Luxembourg, Uruguay.

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

Convention No. 131: Minimum Wage Fixing, 1970Spain (ratification: 1971)

The Committee took note of the observations made by the General Union of Workers and by the Trade Union Confederation of Workers Commissions regarding the application of the Convention to domestic servants, as well as the Government's comments thereon.

The above-mentioned organisations state that workers in domestic service - numbering more than a million in the country - continue to be governed by the 1889 Civil Code as regards payment of wages and dismissal from employment; and that, since 1976, the Government has committed itself to regulate domestic service without, however, honouring its commitment so far, which amounts to a violation of the Workers' Statute itself, the second supplementary provision of which provides for separate regulations governing domestic service to be issued within 18 months of the promulgation of the Statute, a deadline which expired in September 1981. As a result, workers in domestic service are without any protection as regards contracts and conditions of employment. Furthermore, Convention No. 131 is not being applied since no statutory minimum wage has been laid down for domestic service which the Government has not excluded from the field of application of the Convention.

In its observations, the Government acknowledges that regulations governing domestic service have not been established as required by the second supplementary provision of the Workers' Statute. The Government points out that circumstantial reasons, as well as the fact that the separate negotiations had to be held with the representative of the interested parties, prevented the Government from drafting the proposed text before 11 September 1981, the date on which the draft of the Royal Decree was submitted to the Council of State. The Council of State decided that the time-limits granted to the Government for introducing these regulations having expired, the Government was no longer empowered to issue them. Consequently, only the Cortes had the power to take such action or to authorise the Government to do so.

The Committee notes from the information given that no minimum wages had been fixed for workers in domestic service and that the Convention is not being applied as far as these workers were concerned. It hopes that the Government will shortly be in a position to take the necessary steps to ensure observance of the Convention in this domain and that it will supply full particulars in the matter.

*
* *

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

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

Convention No. 132: Holidays with Pay (Revised), 1970Ireland (ratification: 1974)

At its 1981 Session, the Committee postponed the examination of the observations of the Irish Congress of Trade Unions on the

application of the Holidays (Employees) Act, 1973, pending the comments of the Government on these observations.

The Irish Congress of Trade Unions, in its observations, expressed the view that section 6, subsection 1, of the Holidays (Employees) Act, 1973, should be amended to provide: (a) that the times at which annual leave is given should be determined by agreement between the employer and the employees or their trade unions and (b) that an appeals system should be introduced to deal with disputes.

The Government states in its report that the observations of the Irish Congress of Trade Unions will be considered during the current review of the Holidays (Employees) Act, 1973. The Committee would be grateful if the Government would inform it of the amendments introduced to the Act when the review has been completed.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Guinea, Iraq, Ireland, Luxembourg, Madagascar, Upper Volta, Uruguay, Yemen, Yugoslavia.

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

Convention No. 134: Prevention of Accidents (Seafarers), 1970

Requests regarding certain points are being addressed directly to the following States: Denmark, France, Guinea, Poland, Romania.

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

Convention No. 135: Workers' Representatives, 1971

Federal Republic of Germany (ratification: 1973)

As regards the question relating to access to undertakings of workers' representatives who do not work on the premises, see under Convention No. 87.

Sri Lanka (ratification: 1976)

With reference to its earlier direct requests for the adoption of legislative amendments to give full conformity to Articles 1 and 2 of the Convention, the Committee notes that, as a result of certain constitutional provisions covering public servants (Article 55(a)), the Government does not find it possible to amend the Industrial Disputes Act so as to give specific protection to workers' representatives in the undertaking (Article 1 of the Convention). The Committee must therefore again draw the Government's attention to the importance of

affording protection to workers' representatives in the undertaking against prejudicial acts - in addition to the general protection of workers against acts such as dismissal concerning which the Committee makes comments under Convention No. 98 - and would ask the Government to inform it whether the proposed new Labour Relations law mentioned in connection with Convention No. 98 will also contain provisions that comply with Article 1 of this Convention.

In addition, the Committee notes that the Government refers to recently concluded collective agreements and the Establishments Code of the Government of Sri Lanka as providing workers' representatives with such facilities as may be appropriate so that they may carry out their functions promptly and efficiently. The Committee would appreciate receiving examples of such agreements, as well as the text of the Establishments Code.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Denmark, Guinea, Jordan, Romania, Yemen.

Convention No. 136: Benzene, 1971

Guinea (ratification: 1977)

The Committee notes the information communicated by the Government, and notes with satisfaction, following its previous comments, the adoption of Order No. 2265 of 9 April 1982 containing regulations concerning the protection of workers from risks of benzene poisoning.

*
* *
*

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Colombia, Czechoslovakia, Guinea, Israel, Uruguay, Yugoslavia.

Convention No. 137: Dock Work, 1973

Requests regarding certain points are being addressed directly to the following States: Afghanistan, France.

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

Convention No. 138: Minimum Age, 1973

Requests regarding certain points are being addressed directly to the following States: Byelorussian SSR, German Democratic Republic, Ireland, Israel, Libyan Arab Jamahiriya, Niger, Poland, Ukrainian SSR, USSR, Zambia.

Convention No. 139: Occupational Cancer, 1974

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Guinea, Peru, Uruguay.

Convention No. 140: Paid Educational Leave, 1974

United Kingdom (ratification: 1975)

The Committee has taken note of the observations presented by the Trade Unions Congress (TUC) in its communication dated 18 February 1983 concerning some aspects of the application of Articles 2, 3 and 7 of the Convention and, in particular, that (apart from the statutory provision for the training of trade union representatives) paid educational leave is almost exclusively available for vocational purposes at the discretion of the employers and is largely confined to young, male, supervisory, technical, professional and managerial staff. The TUC also considers that the provision of paid educational leave in Britain remains low and lack of adequate finance still prevents the access of adults to education.

The Committee requests the Government to supply full information on the above matters to enable their examination by the Committee at its next session¹.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Guinea, Netherlands, Spain, United Kingdom.

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

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Israel, Zambia.

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Byelorussian SSR, Cuba, Czechoslovakia, Guinea, Ireland, Israel, Italy, Jordan, Netherlands, Norway, Ukrainian SSR, USSR.

¹ The Government is asked to report in detail for the period ending 30 June 1983.

Convention No. 143: Migrant Workers (Supplementary Provisions), 1975

Requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Cyprus, Guinea, Norway, Portugal, Upper Volta.

Convention No. 144: Tripartite Consultation (International Labour Standards) 1976

Ireland (ratification: 1979)

The Committee notes the comments made by the Irish Congress of Trade Unions concerning the application of Article 5, paragraph 1(c), and Article 6 of the Convention. As concerns the application of the former provision, the Congress indicates that no re-examination of non-ratified Conventions has taken place. It also states that no annual report of the kind provided for in Article 6 of the Convention has been issued.

The Committee notes that the Government's first report on the application of the Convention (covering the period 1980-1981) stated that no consultations had been held during the period in question, but that a meeting with the social partners was envisaged at an early date following a request by the Irish Congress of Trade Unions. The report mentioned also that no consultations had yet been held with the consultative organisations on the possibility of issuing an annual report.

The Committee hopes the Government will communicate additional information on these questions as well as any comments which it may consider appropriate.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: Australia, Bahamas, Bangladesh, Denmark, Ecuador, Finland, Ireland, Italy, Mexico, Suriname, United Kingdom, Zambia.

Information supplied by the Federal Republic of Germany and the Netherlands in answer to a direct request has been noted by the Committee.

Convention No. 145: Continuity of Employment (Seafarers), 1976

Finland (ratification: 1978)

1. Article 2 of the Convention. Further to its previous request, the Committee notes from the Government's report that employment relationships have become more regular for seafarers, as witnessed by the drastic decrease in engagements made through the employment exchange. The Committee hopes the Government will follow the situation as it develops and provide statistics as regards

seafarers whose employment is regularised as well as those placed by the employment exchanges, showing the extent of the decrease in seafaring employment available.

2. Articles 4, 5 and 6. Further to its previous request, the Committee notes the views of the Finnish Shipowners' Association (FSA), which again observes that the lists of seafarers used in the employment exchanges are not periodically revised. In its report the Government also indicates that the employers' organisations consider that the lists do not function in the way they were intended to: it is argued that those maritime work applicants who have completed vocational training school are hindered from placement since they are behind other applicants difficult to place. Further, some work applicants have only received short-term employment, due to increasing regularisation of other seafarers' employment.

The Finnish Seamen's Union (FSU) considers however that the list system has functioned satisfactorily and sees no reason to modify it; seafarers whom employers may on social grounds find it hard to employ cannot be removed from the lists because of the social security system, according to the Union. Seafarers applying for work undergo medical examinations, the Union points out, to determine their suitability.

The Committee notes that the Government in its report describes the operation of the list system. It also refers to certain maritime education and seafarers' vocational institutions, although it indicates that the Seamen's Service Office does not arrange training.

The Committee notes with interest the Government's statement that negotiations between the labour market organisations about modifying the list system have been taking place, although they have not yet led to a result. It recalls that the list system is based on an agreement made in 1946 between the FSA and the FSU. The Committee hopes that the present negotiations will result in arrangements which take due account of the provisions of the Convention, particularly with regard to the aim of providing continuous or regular employment for qualified seafarers in the terms of the Convention. The Committee also hopes that the Government will give due attention to this matter; it would be glad if it would describe further the role of the Seamen's Service Office referred to in the report; and any means it envisages, should it be regarded as desirable, to enable review of the strength of the lists of seafarers in employment exchanges in conformity with Article 5 of the Convention. The Government is requested to indicate whether any appropriate provisions are contemplated as required by Article 6 as regards the opportunity for vocational training for the seafarers referred to above by the employers' and workers' organisations, and to provide full details.

France (ratification: 1978)

The Committee refers to the observations submitted by the National Federation of Maritime Trade Unions concerning the different treatment, in respect of employment, accorded to Indonesian and Indian seafarers in the catering service on board certain vessels flying the French flag and also on the comments of a general nature communicated by the Government on this matter.

The Committee has also studied the information provided by the Government under Convention No. 146 and notes that the problem raised by the Federation no longer concerns Indian seafarers, since it was decided in July 1981 to put an end to the exception to French regulations created by the vessel in question.

With regard to Indonesian seafarers, serving in the other three French vessels, the Federation states that they are regarded as seafarers neither by the company owning the vessels in question nor by the Government; that they are provided by intermediaries on conditions very inferior to those established by the legislation and collective agreements in force; and that as a result the provisions of Convention No. 145 concerning the continuity and stability of employment of seafarers are also entirely disregarded.

The Government in its comments first refers to the French maritime legislation and states that under this legislation a seafarer is defined as a person who enters into an agreement with a shipowner with a view to performing service on board a vessel and who fulfils the conditions laid down for the exercise of the occupation in question, including seafaring training.

The Government also states that the Indonesian staff in question are paid not by the shipowner but by a third undertaking that furnishes services, that they have no seafaring qualifications and that they are employed exclusively in the catering service of the vessel. The difference in treatment referred to by the Federation is thus, in the opinion of the Government, justified by the differences in legal status, vocational qualifications and employment between them and other seafarers.

The Committee notes that, under Article 1, Convention No. 145 applies "to persons who are regularly available for work as seafarers and who depend on their work as such for their main annual income". Under the same provision, the term "seafarers" means persons defined as such by national law or practice or by collective agreement, who are normally employed as crew members on board a sea-going ship.

According to the information provided by the Government, however, the Indonesian staff are not regarded as seafarers under French legislation. Furthermore, the collective agreement of 19 July 1947, as subsequently amended, whose purpose is to ensure stability of employment for seafarers and which is the text giving effect to Convention No. 145 in France, particularly following the coming into force of the Order of 19 August 1979, covers employees of all maritime shipping undertakings.

The Committee notes that, according to the information available, the staff in question do not meet the criteria of the definition of seafarers laid down by the Convention and are not, therefore, covered by its provisions.

*
* *

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

Information supplied by Cuba, Hungary and the Netherlands in answer to a direct request has been noted by the Committee.

Convention No. 146: Seafarers' Annual Leave with Pay, 1976

France (ratification: 1978)

The Committee refers to its observations of 1980 and 1981 concerning the comments of the National Federation of Maritime Trade

Unions concerning the inequality in treatment in the matter of annual holidays of seafarers of Indonesian and Indian origin on board vessels under the French flag.

The Committee takes due note of the Government's statement in its report to the effect that the problem raised no longer affects Indian personnel, the Government having decided in July 1981 to eliminate the exception to French maritime regulations granted to the vessel in question.

As regards the three French ships having Indonesian crew members, the Government states that the question is at present under review in consultation with the social partners. The Committee hopes that this review will lead to a solution in conformity with the provisions of the Convention.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Morocco.

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

Convention No. 147: Merchant Shipping (Minimum Standards), 1976

Greece (ratification: 1979)

The Committee takes note of the observations submitted in a letter dated 2 June 1982 by the Panhellenic Union of Merchant Marine Engineers (PEMEN) concerning in particular the question of certificates of competency of navigating officers and engineer officers in charge of a watch, and also the comments of the Government on the matter. Since the date at which the first report of the Government was received did not permit its examination by the Committee at its present session, the Committee confines itself in the following comments to the questions raised by PEMEN concerning the application of Articles 3 and 4 of Convention No. 53, which appear in the Appendix to Convention No. 147. Greece has not ratified Convention No. 53 but it is bound, under Article 2(a) of Convention No. 147, to satisfy itself that its laws and regulations are substantially equivalent to the above-mentioned provisions of Convention No. 53.

According to PEMEN, Presidential Decree No. 435 of 1978 was adopted to circumvent the application of Convention No. 147 by enabling unqualified persons to carry out the duties of navigating or engineer officer in charge of a watch (Act No. 948 of 1979 is also mentioned, but this Act relates only to the ratification of the Convention). PEMEN states that it expressed its disagreement with the Decree at the time of adoption and subsequently addressed to the Government a protest, to which no reply has been given. According to PEMEN, before this measure officers in charge of a watch had to have at least a third officer's certificate issued by the Ministry of the Merchant Marine after training in a marine school, a certain period of service at sea and an examination organised by the Ministry. The new measure enables harbourmasters to issue three classes of certificates of competency for watchkeeping duties, only one of which - for navigating duties - involves an examination.

In its comments, the Government states that the certificates provided for by Decree No. 435 cover the minimum conditions called for by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and that this Convention will soon be ratified by Greece. The Government further indicates that the certificates are issued by the competent regional services of the Ministry of the Merchant Marine to seafarers who fulfil the conditions required by the national legislation. Applicants for certificates of competency for the exercise of duties of navigating officer in charge of a watch must undergo an examination, but no examination is required for the issuing of certificates for engineer officers in charge of a watch, though applicants must fulfil the basic conditions of knowledge and experience that are necessary. The Government adds that holders of the certificates in question can carry out the duties of navigating or engineer officer in charge of a watch in exceptional cases, in the absence of officers with third officers' certificates, and that the conditions for the issuing of these certificates are not contrary to Convention No. 53, which allows a transitional period for the issuing of certificates to persons who have not passed examinations.

The Committee takes due note of the information given above and also of the provisions of Decree No. 435. It notes that the certificates of competency may be issued by the port authorities, under the Decree, subject to certain conditions of training and sea service that are laid down by section 2 of the Decree. With regard to certificates as navigating officer in charge of a watch, an examination is also provided for, 60 per cent of correct answers being necessary for a pass (section 3 of the Decree). Examinations are not required for certificates as engineer officer in charge of a watch, applicants for which, however, must satisfy certain conditions: they must be graduates of the higher state merchant marine school and have completed six months' sea service in a vessel of over 600 horsepower or be graduates of a private merchant marine school and have completed 18 months' sea service in a vessel of the same type. Furthermore, section 10 of the Decree authorises the issuing of certificates to persons who can prove that they have had three years' sea service in a ship of specified tonnage or power at the date when the Decree was promulgated.

In this respect, the relevant provisions of Convention No. 53 are the following. Under Article 3, paragraph 1, no person shall perform the duties listed there unless he holds a certificate of competency to perform these duties, issued or approved by the public authority of the territory where the vessel is registered. Article 4, paragraph 1(c), lays down as a condition for the granting of a certificate, the passing of the examinations organised and supervised by the competent authority.

In view of these provisions of Convention No. 53, of the provisions of the above-mentioned national legislation and of the information provided both by Government and by PEMEN, the questions raised call for the following remarks by the Committee:

1. The conditions for the issuing of certificates established by Decree No. 435 seem to constitute a departure from the standards laid down previously by the national legislation for the issuing of certificates for the performance of the corresponding duties, namely the third officer's certificates mentioned in the report and provided for by section 73 of the Code of Public Maritime Law. The Government states that the certificates provided for by Decree No. 435 meet the minimum conditions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, a Convention that Greece intends to ratify. The Committee is not competent to pronounce on the conformity of the certificates provided for by Decree No. 435 and the Convention in question, since this is an instrument of the IMO.

2. The Government states that holders of certificates established by Decree No. 435 may perform watchkeeping duties in exceptional cases, in the absence of officers holding third officers' certificates. So far as the certificates in question constitute an exception to existing standards, the Committee points out that Article 3, paragraph 2, of Convention No. 53 permits exceptions to the provisions of paragraph 1 only in cases of force majeure.

3. The Government refers to the transitional period allowed by Article 4, paragraph 3, of Convention No. 53 for the issuing of certificates without examination. The Committee observes that the transitional period authorised by Convention No. 53 is of three years from the date of ratification. Since Greece is bound by Convention No. 147, which it ratified on 18 September 1979, the transitional period under Convention No. 53 thus expired on 18 September 1982. It follows that the issuing of certificates without examination for the duties of engineer officer in charge of a watch (section 2 of Decree No. 435) and to persons who can show that they have three years' service before the date when the Decree was promulgated (section 10 of this Decree) was covered by the provisions of Article 4, paragraph 3, of Convention No. 53 only up to the end of the period indicated above.

The Committee would be grateful if the Government would provide all appropriate further information on the points raised above, to enable it to consider these questions further at its next session, in connection with its over-all examination of the first report of the Government on the application of Convention No. 147.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Finland, France, Spain, United Kingdom.

Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977

Finland (ratification: 1979)

The Committee notes the detailed information supplied by the Government in its first report, as well as the comments made by the Central Organisation of Finnish Trade Unions which were communicated with the report.

1. The trade union organisation states, in the first place, that national legislation as interpreted in practice, offers no possibility for any authority other than the Council of State to issue detailed standards for exposure limits to noise, vibration and air pollution, or to revise those standards in the light of changing conditions.

The Committee notes in this connection the Government's statement that the authorities concerned are now studying the possibility of establishing an appropriate administrative system which will enable the periodic revision of the lists of dangerous substances and the criteria defining hazards and exposure limits. The Committee hopes that this system will be established in the near future and that in establishing or revising these criteria and exposure limits, the authorities concerned will take into consideration the opinions of persons who are

technically qualified and who are designated by the most representative organisations of employers and workers concerned, in conformity with Article 8, paragraph 2 of the Convention.

2. The Central Organisation of Finnish Trade Unions also states that, as concerns prevention, the sanctions provided for in the Criminal Code and the Civil Code concerning material damages suffered are not sufficient to assure adequate application by employers of the standards on the protection of labour.

The Committee hopes that the Government will be able to examine the question with a view to taking measures, for example, to intensify supervision of the application of the relevant standards, with a view to a better practical application of Article 16 of the Convention.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Norway, Spain, United Kingdom.

Convention No. 149: Nursing Personnel, 1977

Requests regarding certain points are being addressed directly to the following States: Byelorussian SSR, Poland, Sweden, Ukrainian SSR, USSR.

Convention No. 150: Labour Administration, 1978

Requests regarding certain points are being addressed directly to the following States: Cuba, Finland, Gabon, Israel, Sweden, United Kingdom, Zambia.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
(States Members) as at 23 March 1983**

(Article 22 of the Constitution)

Reports received: 1,382 Reports not received: 313 Total: 1,695

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	0	—	5	14, 95, 106, 111, 140	5
Algeria	20	11, 13, 14, 24, 32, 44, 56, 62, 71, 77, 78, 87, 94, 95, 97, 98, 101, 111, 119, 122	0	—	20
Angola	5	14, 98, 106, 107, 111	0	—	5
Argentina	19	8, 11, 14, 21, 22, 23, 52, 71, 77, 78, 87, 95, 98, 105, 107, 111, 115, 139, 142	0	—	19
Australia	9	8, 11, 21, 22, 87, 98, 111, 122, 144	0	—	9
Austria	13	11, 21, 24, 25, 87, 94, 95, 98, 101, 111, 122, 124, 144	0	—	13
Bahamas	9	11, 14, 22, 94, 95, 97, 98, 117, 144	0	—	9
Bahrain	1	14	0	—	1
Bangladesh	10	11, 14, 21, 22, 87, 98, 106, 107, 111, 144	0	—	10
Barbados	11	11, 22, 87, 94, 95, 97, 98, 101, 111, 115, 122	0	—	11
Belgium	21	8, 11, 14, 21, 22, 23, 55, 56, 77, 87, 94, 95, 98, 101, 111, 114, 115, 120, 122, 123, 124	1	97	22
Benin	7	11, 14, 18, 87, 95, 98, 111	1	143	8
Bolivia	13	14, 87, 98, 102, 106, 107, 117, 118, 120, 123, 124, 129, 136	12	77, 78, 88, 89, 90, 95, 100, 111, 122, 128, 130, 131	25

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Brazil	14	11, 21, 22, 52, 95, 97, 101, 106, 107, 111, 115, 117, 122, 124	3	14, 94, 98	17
Bulgaria	24	8, 11, 14, 21, 22, 23, 24, 25, 44, 52, 55, 56, 71, 77, 78, 81, 87, 94, 95, 98, 106, 111, 124, 138	0	—	24
Burma	6	11, 14, 21, 22, 52, 87	0	—	6
Burundi	6	11, 14, 50, 52, 94, 101	0	—	6
Byelorussian SSR	13	11, 14, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0	—	13
Cameroon, United Republic of	3	87, 98, 143	10	11, 14, 77, 78, 94, 95, 97, 122, 132, 146	13
Canada	6	8, 14, 22, 87, 111, 122	0	—	6
Cape Verde	2	98, 111	0	—	2
Central African Republic . .	20	2, 11, 14, 29, 33, 41, 52, 81, 87, 88, 94, 95, 98, 100, 101, 104, 105, 111, 117, 119	1	62	21
Chad	0	—	17	5, 6, 11, 13, 14, 26, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111	17
Chile	8	8, 11, 14, 22, 24, 25, 111, 122	0	—	8
Colombia	24	3, 8, 9, 11, 14, 18, 21, 22, 23, 24, 25, 29, 52, 81, 87, 95, 98, 99, 101, 106, 107, 111, 129, 136	0	—	24
Comoros	13	11, 14, 29, 52, 77, 78, 87, 95, 98, 101, 105, 106, 122	0	—	13
Congo	5	11, 14, 87, 95, 119	0	—	5
Costa Rica	14	1, 11, 87, 94, 95, 98, 102, 106, 107, 111, 114, 117, 122, 130	0	—	14
Cuba	25	8, 11, 14, 21, 22, 23, 52, 77, 78, 87, 94, 95, 97, 98, 101, 106, 107, 111, 122, 140, 142, 145, 148, 150, 151	0	—	25

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Cyprus	12	11, 44, 87, 94, 95, 97, 98, 106, 114, 122, 124, 144	2	111, 142	14
Czechoslovakia	15	11, 14, 21, 52, 77, 78, 87, 98, 111, 115, 122, 124, 130, 136, 140	0	—	15
Democratic Yemen	1	98	2	94, 95	3
Denmark	20	8, 11, 14, 21, 27, 52, 73, 87, 94, 98, 105, 106, 111, 115, 122, 130, 134, 139, 144, 147	0	—	20
Djibouti	25	11, 14, 22, 23, 24, 29, 44, 52, 55, 56, 71, 77, 78, 81, 87, 94, 95, 98, 100, 101, 105, 106, 115, 122, 124	0	—	25
Dominican Republic	8	52, 77, 87, 95, 98, 106, 107, 111	0	—	8
Ecuador	18	11, 77, 78, 87, 95, 97, 98, 101, 106, 107, 111, 115, 117, 122, 124, 128, 130, 144	1	114	19
Egypt	13	11, 14, 52, 87, 94, 95, 98, 101, 106, 107, 111, 115, 131	0	—	13
El Salvador	4	12, 104, 105, 107	0	—	4
Ethiopia	4	11, 87, 98, 111	0	—	4
Fiji	4	8, 11, 84, 98	0	—	4
Finland	21	8, 11, 14, 21, 22, 52, 87, 94, 98, 111, 115, 122, 124, 128, 130, 137, 144, 145, 147, 150, 151	0	—	21
France	30	8, 11, 14, 22, 23, 24, 44, 52, 55, 56, 71, 77, 78, 82, 84, 87, 95, 97, 98, 101, 106, 114, 115, 122, 134, 137, 140, 145, 146, 147	2	94, 124	32
Gabon	11	11, 14, 52, 87, 95, 98, 101, 106, 111, 124, 150	0	—	11
German Democratic Republic	13	11, 23, 47, 77, 78, 87, 95, 98, 111, 115, 122, 124, 140	0	—	13

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Germany, Federal Republic of	18	8, 11, 22, 23, 56, 87, 97, 98, 111, 114, 115, 122, 130, 132, 140, 142, 144, 147	0	—	18
Ghana	14	8, 11, 14, 22, 23, 87, 94, 98, 106, 107, 111, 115, 117, 119	0	—	14
Greece	10	8, 11, 14, 23, 52, 55, 87, 95, 98, 147	0	—	10
Grenada	0	—	17	8, 11, 12, 14, 19, 29, 50, 64, 65, 81, 86, 94, 95, 97, 98, 105, 108	17
Guatemala	13	77, 78, 87, 94, 95, 97, 98, 101, 105, 106, 111, 114, 119	0	—	13
Guinea	31	11, 13, 14, 29, 45, 62, 81, 87, 89, 90, 94, 95, 98, 100, 105, 111, 114, 115, 117, 119, 120, 121, 122, 132, 134, 135, 136, 139, 140, 142, 143	0	—	31
Guinea-Bissau	5	14, 98, 106, 107, 111	0	—	5
Guyana	9	11, 82, 87, 94, 95, 97, 98, 111, 115	0	—	9
Haiti	10	14, 24, 25, 77, 78, 87, 98, 106, 107, 111	0	—	10
Honduras	9	14, 78, 87, 95, 98, 106, 111, 122, 138	2	27, 108	11
Hungary	16	14, 21, 24, 52, 77, 78, 87, 95, 98, 101, 111, 115, 122, 124, 140, 145	0	—	16
Iceland	0	—	6	11, 87, 98, 100, 102, 111	6
India	8	11, 14, 21, 22, 107, 111, 115, 144	0	—	8
Indonesia	2	98, 106	0	—	2
Iran	4	14, 95, 106, 111	1	122	5

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Iraq	0	—	37	1, 8, 14, 15, 17, 22, 23, 27, 29, 30, 42, 58, 77, 78, 81, 88, 89, 92, 95, 98, 100, 105, 106, 111, 115, 118, 122, 132, 135, 137, 139, 140, 142, 144, 145, 149, 150	37
Ireland	14	8, 11, 14, 21, 22, 23, 44, 45, 87, 98, 99, 132, 138, 144	1	122	15
Israel	17	14, 52, 77, 78, 87, 92, 94, 95, 97, 98, 101, 106, 111, 117, 122, 134, 150	0	—	17
Italy	11	71, 77, 78, 87, 95, 98, 114, 115, 122, 124, 144	12	8, 11, 14, 22, 23, 44, 55, 94, 97, 106, 111, 117	23
Ivory Coast	0	—	8	11, 14, 52, 85, 87, 95, 98, 111	8
Jamaica	7	8, 11, 29, 87, 94, 100, 117	4	97, 98, 111, 122	11
Japan	7	8, 21, 22, 87, 98, 115, 134	0	—	7
Jordan	6	98, 111, 117, 119, 122, 124	1	106	7
Democratic Kampuchea . . .	0	—	5	4, 6, 13, 29, 122	5
Kenya	0	—	18	2, 11, 14, 81, 88, 94, 97, 98, 129, 131, 132, 135, 137, 138, 140, 141, 142, 143	18
Kuwait	5	52, 87, 106, 111, 117	0	—	5
Lao Republic	0	—	4	4, 6, 13, 29	4
Lebanon	0	—	16	1, 14, 15, 30, 45, 52, 77, 78, 95, 98, 106, 111, 115, 120, 122, 131	16
Lesotho	4	11, 14, 87, 98	0	—	4
Liberia	10	22, 23, 29, 55, 58, 87, 92, 98, 111, 114	0	—	10
Libyan Arab Jamahiriya	0	—	13	3, 14, 52, 89, 95, 96, 98, 102, 103, 111, 122, 128, 130	13

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Luxembourg	15	8, 11, 14, 21, 22, 23, 24, 25, 77, 78, 87, 98, 121, 130, 132	0	—	15
Madagascar	10	11, 14, 29, 87, 95, 111, 117, 124, 127, 132	1	122	11
Malawi	5	11, 97, 98, 107, 111	0	—	5
Malaysia	2	95, 98	0	—	2
Peninsular Malaysia	1	11	0	—	1
Sabah	2	94, 97	0	—	2
Sarawak	3	11, 14, 97	0	—	3
Mali	7	11, 14, 52, 87, 95, 98, 111	0	—	7
Malta	7	8, 11, 22, 87, 95, 98, 111	0	—	7
Mauritania	1	87	13	11, 14, 22, 23, 52, 84, 90, 94, 95, 101, 111, 114, 122	14
Mauritius	9	8, 11, 14, 29, 84, 94, 95, 97, 98	0	—	9
Mexico	19	8, 9, 11, 14, 21, 22, 23, 52, 55, 87, 95, 106, 107, 111, 118, 124, 140, 142, 144	0	—	19
Mongolia	4	87, 98, 111, 122	0	—	4
Morocco	14	11, 14, 22, 52, 55, 81, 94, 98, 101, 106, 111, 122, 145, 146	0	—	14
Mozambique	0	—	4	11, 14, 30, 111	4
Nepal	0	—	1	111	1
Netherlands	26	8, 11, 14, 21, 22, 23, 24, 25, 44, 71, 87, 94, 95, 97, 101, 106, 111, 115, 122, 124, 137, 140, 144, 145, 147, 150	2	114, 146	28
New Zealand	15	8, 11, 14, 21, 22, 23, 44, 52, 69, 82, 84, 97, 101, 122, 145	0	—	15
Nicaragua	17	1, 8, 11, 14, 21, 22, 23, 24, 25, 30, 77, 78, 87, 95, 98, 111, 131	0	—	17
Niger	1	119	13	11, 14, 81, 87, 95, 98, 100, 104, 105, 111, 117, 131, 138	14

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Nigeria	7	8, 11, 87, 94, 95, 97, 98	0	—	7
Norway	25	8, 11, 14, 21, 22, 44, 56, 71, 87, 95, 97, 98, 111, 113, 115, 122, 130, 132, 138, 143, 144, 145, 147, 150, 151	1	50	26
Pakistan	9	11, 14, 21, 22, 87, 98, 106, 107, 111	0	—	9
Panama	21	8, 11, 21, 22, 23, 52, 55, 56, 71, 77, 78, 87, 94, 95, 98, 107, 111, 114, 117, 122, 124	0	—	21
Papua New Guinea	5	8, 11, 22, 98, 122	0	—	5
Paraguay	16	1, 11, 14, 52, 77, 78, 87, 95, 98, 101, 106, 111, 115, 117, 122, 124	1	107	17
Peru	22	1, 8, 11, 14, 22, 24, 25, 44, 52, 55, 68, 69, 77, 78, 87, 98, 101, 107, 111, 114, 122, 151	3	23, 56, 71	25
Philippines	7	23, 87, 94, 95, 98, 111, 122	1	77	8
Poland	24	8, 11, 14, 22, 23, 24, 25, 77, 78, 87, 95, 98, 101, 103, 111, 113, 115, 122, 124, 134, 138, 140, 145, 149	0	—	24
Portugal	10	8, 11, 14, 87, 97, 98, 106, 107, 111, 143	0	—	10
Qatar	1	111	0	—	1
Romania	14	8, 9, 11, 14, 24, 87, 95, 98, 108, 111, 117, 122, 134, 135	0	—	14
Rwanda	5	11, 14, 81, 94, 100	0	—	5
Saint Lucia	0	—	9	8, 11, 14, 87, 94, 95, 97, 98, 101	9
Saudi Arabia	5	1, 30, 106, 111, 123	1	14	6
Senegal	13	11, 14, 52, 87, 89, 95, 98, 100, 101, 111, 117, 122, 135	0	—	13
Seychelles	11	2, 7, 15, 26, 29, 50, 58, 64, 65, 99, 108	4	8, 11, 87, 105	15

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Sierra Leone	16	8, 22, 45, 50, 64, 65, 86, 87, 88, 94, 98, 100, 101, 105, 111, 119	1	95	17
Singapore	5	8, 11, 22, 94, 98	0	—	5
Somalia	1	22	6	23, 84, 85, 94, 95, 111	7
Spain	31	8, 11, 14, 22, 23, 24, 25, 44, 55, 56, 77, 78, 87, 94, 95, 97, 98, 101, 106, 111, 114, 115, 117, 119, 122, 124, 132, 140, 145, 147, 148	0	—	31
Sri Lanka	1	11	2	8, 98	3
Sudan	5	95, 98, 111, 117, 122	0	—	5
Suriname	9	11, 14, 81, 87, 94, 95, 101, 106, 144	1	122	10
Swaziland	5	11, 14, 87, 95, 98	0	—	5
Sweden	16	8, 11, 14, 21, 87, 98, 111, 115, 122, 130, 132, 140, 144, 146, 147, 150	0	—	16
Switzerland	10	8, 11, 14, 23, 44, 87, 102, 111, 115, 128	0	—	10
Syrian Arab Republic	9	11, 14, 52, 94, 101, 107, 111, 115, 124	6	87, 95, 96, 98, 106, 117	15
Tanzania	6	11, 29, 94, 95, 98, 105	0	—	6
Tanganyika	2	101, 108	0	—	2
Zanzibar	0	—	4	7, 58, 85, 97	4
Thailand	0	—	2	14, 122	2
Togo	0	—	6	11, 14, 26, 84, 87, 95	6
Trinidad and Tobago	0	—	4	87, 97, 98, 111	4
Tunisia	18	8, 11, 14, 22, 23, 52, 55, 77, 87, 95, 98, 106, 107, 111, 114, 119, 122, 124	1	117	19
Turkey	9	11, 14, 94, 95, 98, 111, 115, 119, 122	0	—	9
Uganda	0	—	7	11, 94, 95, 98, 122, 124, 143	7

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ukrainian SSR	14	11, 14, 23, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0	—	14
USSR	14	11, 14, 23, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0	—	14
United Kingdom	24	8, 11, 22, 24, 25, 44, 56, 82, 84, 87, 94, 95, 97, 98, 101, 114, 115, 122, 124, 140, 144, 147, 150, 151	0	—	24
United States	1	55	0	—	1
Upper Volta	2	87, 98	10	11, 14, 18, 95, 97, 111, 131, 132, 143, 150	12
Uruguay	23	8, 11, 14, 21, 22, 23, 77, 78, 87, 94, 95, 97, 98, 106, 114, 119, 122, 130, 131, 132, 137, 139, 149	0	—	23
Venezuela	6	11, 14, 21, 22, 98, 111	0	—	6
Yemen	0	—	11	14, 29, 81, 87, 98, 100, 104, 111, 131, 132, 135	11
Yugoslavia	16	8, 11, 14, 22, 23, 24, 25, 56, 87, 97, 98, 106, 111, 114, 122, 132	0	—	16
Zaire	11	11, 12, 14, 29, 84, 94, 95, 98, 117, 119, 121	0	—	11
Zambia	20	11, 12, 17, 18, 29, 86, 95, 97, 100, 105, 111, 117, 122, 124, 138, 141, 144, 148, 150, 151	1	149	21
<i>Other States</i>					
Albania ¹	0	—	7	11, 21, 52, 77, 78, 87, 98	7
Nauru	0	—	1	21	1
Western Samoa	0	—	1	14	1

¹ Albania has withdrawn from the ILO, but this State continues to be bound by the Conventions it has ratified (article 1, paragraph 5 of the Constitution).

Appendix II. Statistical Table of Reports on Ratified Conventions as at 23 March 1983

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ¹	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.4	1 484	95.2	1 509	96.8
1958-1959	995 ²	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 501	82.4	1 601	87.9
1968-1970	1 894	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 ³	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	1 437	90.8
-1981	1 543	127	8.1	1 210	78.4	1 340	86.7
-1982	1 705	332	19.4	1 382	81.4	—	—

¹ First year for which this figure is available.

² As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions.

³ As a result of a decision by the Governing Body (November 1976) detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Denmark

The Committee notes that the reports due in respect of the application of Conventions in the Farøe Islands 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.

Netherlands

The Committee notes with regret that for the third year in succession the reports due in respect of the application of Conventions in the Netherlands Antilles have not been received. It hopes the reports in question will be available for examination by the Committee at its next session.

New Zealand

The Committee notes with regret that for the second year in succession the reports due in respect of the application of Conventions in Cook Islands and Niue Island have not been received. It hopes the reports in question will be available for examination by the Committee at its next session.

United Kingdom

The Committee notes with regret that for the third year in succession reports due in respect of Falklands Islands (Malvinas) and for the second year in succession reports due in respect of Anguilla have not been received. Further, reports due in respect of Brunei and British Virgin Islands have not been received. The Committee hopes the reports in question will be available for examination by it at its next session.

B. INDIVIDUAL OBSERVATIONS

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920United KingdomBritish Virgin Islands

With reference to its previous comments concerning the application of Article 2 of the Convention, the Committee notes from the information supplied by the United Kingdom in its report on the Convention's application for the period 1980-1982, that a draft order on the merchant marine would extend to the British Virgin Islands certain provisions of the United Kingdom Merchant Shipping Act of 1970, as amended in 1979, which repealed section 157 of the corresponding Act of 1894. The Committee hopes that these measures will be taken in the near future.

Falkland Islands (Malvinas)

With reference to its previous comments concerning the application of Article 2 of the Convention, the Committee notes from the information supplied by the United Kingdom in its report on the Convention's application for the period 1980-1982, that a draft order on the merchant marine would extend to this territory certain provisions of the United Kingdom Merchant Shipping Act of 1970, as amended in 1979, which repealed section 157 of the corresponding Act of 1894. The Committee hopes that these measures will be taken in the near future.

Gibraltar

With reference to its previous comments, the Committee has noted with satisfaction the amendment, by Ordinance No. 3 of 1981, of section 45(1) of the Merchant Shipping Ordinance, which is thus now fully in conformity with Article 2 of the Convention.

Hong Kong

With reference to its previous comments with regard to the application of Article 2 of the Convention concerning protection in case of shipwreck, the Committee has noted with interest that measures are to be taken to extend to Hong Kong the application of certain provisions of the United Kingdom Merchant Shipping Act 1970, as amended in 1979, which repeal section 157 of the corresponding Act of 1894. The Committee hopes that these measures will be taken in the near future.

Montserrat

With reference to its previous comments concerning the application of Article 2 of the Convention, the Committee notes from the information supplied by the United Kingdom in its report on the Convention's application for the period 1980-1982, that a draft order on the merchant marine would extend to Montserrat certain provisions of the United Kingdom Merchant Shipping Act of 1970, as amended in 1979, which repeal section 157 of the corresponding Act of 1894. The Committee hopes that these measures will be taken in the near future.

St. Helena

With reference to its previous comments with regard to the application of Article 2 of the Convention concerning protection in case of shipwreck, the Committee has noted with interest that measures are to be taken by the United Kingdom to extend to St. Helena the application of certain provisions of the United Kingdom Merchant Shipping Act 1970, as amended in 1979, which repeal section 157 of the corresponding Act of 1894. The Committee hopes that these measures will be taken in the near future.

St. Kitts-Nevis

With reference to its previous comments, the Committee has noted the information supplied by the Government in its report. It hopes that, since the United Kingdom Merchant Shipping Act 1970 was amended in 1979 in order to apply fully Article 2 of the Convention, the corresponding modification of this territory's legislation (section 157(1) of the corresponding Act of 1894) will be carried out in the near future.

*
* *

In addition, a request regarding certain points is being addressed directly to Denmark (Farøe Islands).

Convention No. 9: Placing of Seamen, 1920

A request regarding certain points is being addressed directly to Denmark (Farøe Islands).

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

Article 3 of the Convention. The Committee notes with regret that the report has not been received, and that the Government has not yet replied to the requests it has been repeating since 1977 on the provisions that were to be adopted in 1976 to provide for the annual repetition of the medical examination of seafarers under 18 years of age. The Committee trusts that the Government will shortly indicate the measures adopted.

Greenland

Further to its previous comments, the Committee notes the confirmation by the Government in its report of the fact that the legislation applicable to Greenland with respect to the medical examination of young seamen is Order No. 351 of 10 July 1978. The Committee would be grateful if the Government would indicate in its future reports any development with respect to the possible extension to Greenland of the Danish Seamen's Act of 1973.

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

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

Article 7 of the Convention. In its earlier comments, the Committee requested the Government to take all necessary measures to amend section 4, subsection 2, of the Workmen's Compensation Ordinance of 1966 (PB No. 14), so as to bring it into line with the above Article of the Convention, which provides for additional compensation in cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person.

In its report received in 1978, the Government indicated that the competent authorities were already studying the financial consequences of such an amendment. As the Government has submitted no report since then, the Committee is unable to determine whether effect has been given to the Convention on this point. It trusts that a report will be submitted for examination at its next session, containing information on the measures taken.

United KingdomGuernsey

The Committee notes with satisfaction the adoption of the new Social Insurance (Guernsey) Law, 1978, which provides for the payment of an additional special allowance to injured workmen needing the constant help of another person, as required by the Convention.

*
* *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Falkland Islands (Malvinas), Jersey, Isle of Man, St. Helena).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon)

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

French Polynesia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

New Caledonia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

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

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia), United Kingdom (Guernsey).

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

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

A request regarding certain points is being addressed directly to the United Kingdom (Guernsey).

Convention No. 29: Forced Labour, 1930

Requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon).

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

A request regarding certain points is being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

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

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

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.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933FranceNew Caledonia

Article 12, paragraph 5, of the Convention. The Committee has pointed out that the provision in the national laws (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 in the territory of any of the ratifying States, irrespective of the conclusion of a bilateral agreement in this connection.

The Committee noted the statement by the Government in its second but last report to the effect that an amendment to the above-mentioned provision was under consideration. It notes from the last report of the Government that no progress has been made. The Committee therefore again expresses the hope that the Government will shortly take the necessary measures to bring the national laws into conformity with the Convention in this matter and asks it to report any progress made.

Convention No. 36: Old-Age Insurance (Agriculture), 1933FranceNew Caledonia

Article 12, paragraph 5, of the Convention. The Committee has pointed out that the provision in the national laws (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 in the territory of any of the ratifying States, irrespective of the conclusion of a bilateral agreement in this connection.

The Committee noted the statement by the Government in its second but last report to the effect that an amendment to the above-mentioned provision was under consideration. It notes from the last report of the Government that no progress has been made. The Committee therefore again expresses the hope that the Government will shortly take the necessary measures to bring the national laws into conformity with the Convention in this matter and asks it to report any progress made.

*
* *

In addition, a request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

France

St. Pierre and Miquelon

Article 2 of the Convention. 1. The Committee takes note of the information supplied by the Government to the Conference Committee in 1982 to the effect that the Social Welfare Fund covers both wage earners and non-wage earners and that homework is unknown in St. Pierre and Miquelon.

2. The Committee also notes that in practice the Fund pays the daily allowances of the sickness insurance scheme without limitation in time in cases of invalidity. The Committee hopes that the Government may be able, for example on the occasion of a forthcoming revision of the social welfare scheme, to bring the legislation formally into full harmony with this provision of the Convention.

Article 12. The Committee notes that under section 8 of Ordinance No. 77-1102 of 26 September 1977, in particular, disputes arising out the application of the social welfare scheme are brought before the ordinary courts.

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

France

St. Pierre and Miquelon

Article 2 of the Convention. 1. The Committee takes note of the information supplied by the Government to the Conference Committee in 1982 to the effect that the Social Welfare Fund covers both wage earners and non-wage earners and that homework is unknown in St. Pierre and Miquelon.

2. The Committee also notes that in practice the Fund pays the daily allowances of the sickness insurance scheme without limitation in time in cases of invalidity. The Committee hopes that the Government may be able, for example on the occasion of a forthcoming revision of the social welfare scheme, to bring the legislation formally into full harmony with this provision of the Convention.

Article 12. The Committee notes that under section 8 of Ordinance No. 77-1102 of 26 September 1977, in particular, disputes arising out the application of the social welfare scheme are brought before the ordinary courts.

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

United Kingdom

Gibraltar

The Committee notes with satisfaction the amendments made to the schedule of occupational diseases appended to the Employment Injuries Insurance (Occupational Diseases) Regulations (Cap. 147) by the Employment Injuries Insurance (Occupational Diseases) (Amendment) Regulations, 1980, which introduce, in Part II of the First Schedule to the principal regulations, pneumoconiosis with or without pulmonary tuberculosis.

In reply to the earlier comments of the Committee, however, concerning anthrax infection and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the Government states that no progress has been made in these matters.

The Committee notes this statement and again expresses the hope that the Government may take the necessary legislative steps to bring the schedule of occupational diseases into full conformity with the Convention on the above-mentioned points.

Convention No. 44: Unemployment Provision, 1934

France

New Caledonia

The Committee notes that the report of the Government once more contains nothing new in reply to its earlier comments. It again expresses the hope that the Government will be able in its next report to indicate measures to give effect 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)).

Since the above-mentioned problems have been pending for a number of years, the Committee ventures to suggest to the Government the possibility of asking the ILO for technical assistance to enable it to overcome the present difficulties in the application of this Convention.¹

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, St. Pierre and Miquelon), United Kingdom (Guernsey).

Convention No. 52: Holidays with Pay, 1936

France

New Caledonia

The Committee notes with satisfaction that, following its earlier direct requests, section 9 of Order No. 75-312/CG of 21 July 1975 has been supplemented by Order No. 81-632/CG of 28 December 1981 under which expatriate workers whose holidays are accumulated shall have a minimum holiday of six working days every year.

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

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to the United Kingdom (Guernsey).

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

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

Netherlands

Netherlands Antilles

With reference to its earlier comments, the Committee notes from the information supplied by the Government to the Conference Committee

¹ The Government is asked to report in detail for the period ending 30 June 1984.

in 1982 that the draft to amend the Decree concerning the recruitment of seamen (PB 1960, No. 201), which is to bring the legislation into conformity with the Convention, by fixing a minimum age of 16 years, is now at an advanced stage, requiring only the final approval of the Government. The Committee hopes that this draft will be adopted in the near future.

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

France

French Polynesia

Article 6 of the Convention. With reference to its earlier requests, the Committee notes with satisfaction that Decision No. 82-36 was adopted on 30 April 1982 to lay down measures of physical and vocational retraining and rehabilitation for the handicapped, including children and young persons.

The Committee also notes that the subsidiary texts concerning the composition and working of the Technical Committee for Vocational Guidance and Resettlement, the conditions of employment of handicapped workers and the operating conditions of sheltered workshops were to be adopted very shortly and it hopes that the Government will be able to provide copies with its next report.

*
* *

In addition, requests regarding certain points are being addressed directly to France (New Caledonia, St. Pierre and Miquelon).

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

France

French Polynesia

Article 6 of the Convention. See under Convention No. 77.

*
* *

In addition, requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

Convention No. 81: Labour Inspection, 1947France

Overseas departments (French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon)

Articles 20 and 21 of the Convention. Referring to the earlier observations of the Committee, the Government states that the question of preparing the annual report on labour inspection has been taken up again on a new basis and that, if the conclusions of the report of the Inspector-General of Labour and Employment are approved, a central support and co-ordination mission for the external labour and employment services, which will be responsible for preparing the re-established labour report, may be set up soon. The Committee is bound to point out the importance it attaches to the publication of annual inspection reports, which are an essential element in the appreciation, both nationally and internationally, of the practical results of the work of the labour inspection services and, more generally, of the effective application of social legislation. It therefore trusts that the Government will lose no time in taking the necessary measures to ensure the publication and the transmission to the ILO, within the periods laid down by Article 20 of the Convention, of an annual inspection report containing all the information called for by Article 21, concerning also the overseas departments, unless the Government prefers to publish this information separately for these departments.

NetherlandsNetherlands Antilles

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

Articles 10, 20 and 21 of the Convention. In reply to the earlier comments of the Committee, the Government had stated that the prolonged serious shortage of labour inspection staff was the reason why it had not been possible to draw up annual reports of inspection. It was endeavouring, however, to recruit staff sufficiently competent to carry out the work. The Committee has taken 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 ILO, 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.

*
* * *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Hong Kong, Isle of Man).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the United Kingdom (Bermuda).

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

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

In its previous 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 request regarding certain points is being addressed directly to the United Kingdom (Hong Kong).

Information supplied by France (French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon, and New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 94: Labour Clauses (Public Contracts), 1949NetherlandsNetherlands Antilles

The Committee notes with regret that no report has been received and is repeating its previous direct request. It recalls that there are no measures to apply the Convention, in spite of the comments addressed to the Government for a number of years, and hopes that measures will be taken in the very near future.

*
* * *

In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), Netherlands (Netherlands Antilles), United Kingdom (Anguilla, British Virgin Islands, Hong Kong, Jersey, St. Kitts-Nevis).

Information supplied by the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

Convention No. 95: Protection of Wages, 1949United KingdomJersey

Article 3 of the Convention. Further to its previous comments, the Committee notes with satisfaction that the Payment of Wages (Amendment) (Jersey) Law, 1977 ensures conformity with the provisions of this Article.

*
* * *

In addition, a request regarding certain points is being addressed directly to the United Kingdom (Jersey).

Convention No. 97: Migration for Employment (Revised), 1949

A request regarding certain points is being addressed directly to the United Kingdom (Hong Kong).

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

Requests regarding certain points are being addressed directly to France (French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon, New Caledonia), United Kingdom (Guernsey).

Information supplied by France (French Polynesia) in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951

A request regarding certain points is being addressed directly to the United Kingdom (Gibraltar).

Convention No. 105: Abolition of Forced Labour, 1957

Requests regarding certain points are being addressed directly to the following States: Denmark (Farøe Islands), New Zealand (Niue Island).

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

A request regarding certain points is being addressed directly to Netherlands (Netherlands Antilles).

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Falkland Islands (Malvinas), St. Kitts-Nevis).

Convention No. 115: Radiation Protection, 1960

France

French Polynesia

For a number of years the Committee has been calling the Government's attention to the fact that there are no provisions in laws or regulations giving effect to the Convention. In its earlier reports, the Government has referred to the working out of a draft text on protection against radiation, which was to give effect to the Convention.

As the report of the Government, received in October 1982, contains no information in this connection, the Committee can only return to the matter and trust that the necessary provisions will be adopted very shortly and that the Government will not fail to indicate any progress made.¹

*
* *

¹ The Government is asked to report in detail for the period ending 30 June 1984.

In addition, a request regarding certain points is being addressed directly to France (New Caledonia).

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: Australia (Norfolk Island), Denmark (Greenland), France (French Polynesia, New Caledonia, St. Pierre and Miquelon), Netherlands (Netherlands Antilles), United Kingdom (Guernsey, Isle of Man).

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. 126: Accommodation of Crews (Fishermen), 1966

A request regarding certain points is being addressed directly to Denmark (Farøe Islands).

Convention No. 135: Workers' Representatives, 1971

Information supplied by the United Kingdom (Gibraltar, Guernsey) in answer to a direct request has been noted by the Committee.

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Jersey).

Information supplied by the United Kingdom (St. Kitts-Nevis) in answer to a direct request has been noted by the Committee.

Convention No. 141: Rural Workers' Organisations, 1975

Information supplied by the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the United Kingdom (Guernsey, Hong Kong).

Information supplied by the United Kingdom (Gibraltar) in answer to a direct request has been noted by the Committee.

**Appendix. Receipt of Detailed Reports on Ratified Conventions
(Non-Metropolitan Territories) as at 23 March 1983**

(Articles 22 and 35 of the Constitution)

Reports received: 300 Reports not received: 144 Total: 444

Countries and Territories	Reports received		Reports not received		Popula- tion ^{1*} (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i>	4		0		
Norfolk Islands	4	11, 87, 98, 122	0	—	1.6
<i>Denmark</i>	6		12		
Farøe Islands	0	—	12	8, 9, 11, 14, 16, 27, 52, 87, 98, 105, 106, 126	40
Greenland	6	11, 14, 87, 106, 122, 126	0	—	50
<i>France</i>	158		24		
<i>Overseas Departments:</i>					
French Guyana	20	8, 14, 22, 23, 24, 32, 52, 55, 56, 71, 81, 87, 94, 95, 98, 101, 106, 114, 115, 124	3	27, 29, 105	60
Guadeloupe	21	8, 11, 14, 22, 23, 24, 32, 52, 55, 56, 71, 81, 87, 94, 95, 98, 101, 106, 114, 115, 124	3	27, 29, 105	330
Martinique	21	8, 11, 14, 22, 23, 24, 32, 52, 55, 56, 71, 81, 87, 94, 95, 98, 101, 106, 114, 115, 124	3	27, 29, 105	330
Reunion	21	8, 11, 14, 22, 23, 24, 32, 52, 55, 56, 71, 81, 87, 94, 95, 98, 101, 106, 114, 115, 124	3	27, 29, 105	490
St. Pierre and Miquelon . .	24	11, 14, 22, 23, 24, 44, 52, 55, 56, 58, 71, 77, 78, 87, 94, 95, 98, 101, 106, 115, 122, 123, 124, 126	10	17, 19, 29, 36, 43, 49, 82, 91, 105, 120	5

* For footnotes see end of the table.

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Overseas Territories:</i>					
French Polynesia	25	11, 14, 22, 23, 24, 44, 52, 55, 56, 71, 77, 78, 84, 87, 91, 94, 95, 98, 99, 101, 106, 115, 122, 123, 124	1	82	160
New Caledonia	26	11, 14, 22, 23, 24, 35, 36, 37, 38, 44, 52, 55, 56, 71, 77, 78, 82, 84, 87, 94, 95, 98, 101, 106, 115, 124	1	122	150
Netherlands	0		27		
Netherlands Antilles	0	—	27	8, 9, 10, 11, 12, 14, 17, 22, 23, 25, 29, 33, 42, 45, 74, 81, 87, 88, 89, 90, 94, 95, 101, 105, 106, 118, 122	270
New Zealand	4		21		
Cook Islands	0	—	10	11, 14, 29, 50, 64, 65, 82, 84, 104, 105	20
Nive	0	—	10	11, 14, 29, 50, 64, 65, 82, 84, 104, 105	3
Tokelau Islands	4	29, 65, 104, 105	1	82	1.5
United Kingdom	124		60		
Anguilla	0	—	24	8, 11, 12, 14, 17, 22, 29, 42, 50, 64, 65, 82, 84, 85, 86, 87, 94, 97, 98, 101, 105, 108, 140, 148	70
Bermuda	8	11, 22, 82, 84, 87, 94, 98, 115	0		60
British Virgin Islands.	1	8	8	11, 14, 82, 84, 87, 94, 97, 98	10
Brunei	0	—	8	8, 11, 82, 84, 94, 95, 98, 150	190
Falkland Islands (Malvinas)	1	8	19	7, 11, 12, 14, 17, 22, 26, 29, 35, 36, 42, 45, 58, 82, 84, 87, 98, 105, 108	1.9
Gibraltar	13	8, 11, 22, 44, 82, 84, 87, 94, 95, 98, 100, 150, 151	0	—	30

NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Guernsey	14	8, 11, 22, 24, 25, 44, 56, 87, 94, 97, 98, 114, 115, 122	0	—	53
Hong Kong	18	8, 10, 11, 14, 22, 32, 74, 82, 84, 87, 94, 95, 97, 98, 101, 115, 124, 144	0	—	5 070
Jersey	14	8, 11, 22, 24, 25, 44, 56, 87, 94, 95, 97, 98, 115, 140	0	—	74
Isle of Man	14	8, 11, 22, 24, 25, 44, 56, 87, 94, 95, 97, 98, 101, 122	0	—	60
Montserrat	9	8, 11, 14, 82, 84, 87, 95, 97, 98	0	—	10
St. Kitts-Nevis	23	8, 11, 12, 14, 17, 22, 29, 42, 50, 64, 65, 82, 84, 85, 86, 87, 94, 97, 98, 101, 105, 108, 140	1	148	70
St. Helena	9	8, 11, 14, 82, 84, 87, 98, 150, 151	0	—	5
United States	4		0	—	
American Samoa	1	55	0	—	30
Guam	1	55	0	—	120
Puerto Rico	1	55	0	—	3 440
Virgin Islands	1	55	0	—	100

¹ Source: United Nations: *Demographic Year Book*, 1980.

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 takes note of the information provided by the Government to the effect that an endeavour is being made to complete the submission of the remaining instruments as soon as possible. It hopes that the Government will shortly be able to state that the instruments still pending that were adopted from the 52nd to the 63rd Sessions and those adopted at the 64th, 65th, 66th and 67th Sessions have been submitted to the competent authorities, and that the Government will provide in respect of all these instruments the information and documents called for in the Memorandum adopted by the Governing Body.

Bolivia

The Committee regrets to note that the Government has not replied to its direct requests of 1981 and 1982. It hopes that the Government will shortly indicate the proposals made and the decisions adopted on the action to be taken on Recommendation No. 152, adopted at the 61st Session of the Conference, and on the instruments adopted at the 62nd Session (points II(c) and III of the questionnaire at the end of the Memorandum adopted by the Governing Body) when they were submitted to the competent authorities and that it will also state whether Recommendation No. 151, adopted at the 60th Session of the Conference, and the instruments adopted at the 63rd, 64th, 65th, 66th and 67th Sessions have been submitted to the competent authorities.

Botswana

In the absence of any reply to its previous comments concerning the instruments adopted at the 64th, 65th and 66th Sessions of the Conference, the Committee hopes that the Government will shortly state that these instruments have been submitted to the competent authorities and that it will provide in respect of them the information and documents called for in the Memorandum adopted by the Governing Body. Furthermore, the Committee would be grateful if the Government would state whether the instruments adopted at the 67th Session have been submitted.

Brazil

The Committee regrets to note that there has been no reply to its previous observation. It hopes that the Government, which had previously stated that the procedure for submitting the numerous remaining instruments had been started, will shortly be able to state that they have been submitted and that it will provide in respect of them the information and documents called for in the Memorandum adopted by the Governing Body (points I and II of the questionnaire).

SUBMISSION TO THE COMPETENT AUTHORITIES

Bulgaria

With reference to its earlier comments, the Committee notes with satisfaction from the information communicated by the Government that the text of the instruments adopted by the Conference at its 67th Session, which had been submitted to the Council of State, have also been placed before the deputies to the National Assembly, who have been informed of the decision of the Council of State on these instruments. The Committee hopes that this practice may be followed in all future submissions.

Chad

In the absence of any reply to its previous observation, the Committee hopes that the Government will soon be able to state that the instruments adopted from the 55th to the 67th Sessions of the Conference have been submitted to the competent authorities and that it will communicate in respect of them and of the instruments adopted from the 50th to the 54th Sessions, which have already been submitted, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Congo

The Committee regrets to note that the Government has not replied to the direct requests addressed to it previously. The Committee hopes that those of the instruments adopted at the 63rd Session of the Conference that had been submitted to the Council of Ministers have now been submitted to the People's National Assembly as well. It also hopes that the Recommendations adopted at the 54th and 55th Sessions, the instruments adopted at the 60th, 61st, 62nd, 65th and 66th Sessions and the remaining instruments of the 63rd Session (Convention No. 148 and Recommendation No. 156) will be submitted to the Assembly shortly and that the Government will supply in respect of all these instruments the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee would also be grateful if the Government would state whether the instruments adopted at the 67th Session of the Conference have been submitted to the competent authorities.

Costa Rica

The Committee regrets to note that there has been no reply to its previous observation. It hopes that the Government will shortly indicate the proposals made and the decisions taken in respect of certain instruments submitted to the Legislative Assembly in April 1980 (Conventions Nos. 146 and 149 and Recommendations Nos. 136 to 141). It also hopes that the Government will state whether Convention No. 151, adopted at the 64th Session of the Conference, and the instruments adopted at the 65th, 66th and 67th Sessions have been submitted.

Democratic Yemen

With reference to its previous observation, the Committee notes the information supplied by the Government and also the statement by a Government representative to the Conference Committee in 1982 that the instruments adopted by the Conference from the 62nd to the 67th Sessions have been submitted to the Presidium of the People's Supreme

Council. The Committee hopes that the Government will provide a copy of the documents by means of which these instruments were submitted as well as information on any decision as to the action to be taken in respect of the instruments concerned. Since the Supreme Council, according to earlier information, is considered by the Government to be the competent legislative authority, the Committee hopes that Conventions and Recommendations will also be brought to the notice of the members of the People's Supreme Council itself.

El Salvador

The Committee takes note with interest of the information provided by the Government to the effect that the instruments adopted at the 67th Session of the Conference have been referred to the Minister of Foreign Affairs for submission to the Constituent Legislative Assembly. The Committee would be grateful if the Government would provide a copy of the letter addressed for this purpose to the President of the Assembly. With reference to its earlier observations, it hopes that the Government will shortly communicate the information and documents asked for in respect of the instruments adopted at the 52nd, 55th, 56th and 59th Sessions and state whether the instruments adopted from the 62nd to the 66th Sessions have been submitted.

Ethiopia

In its previous observation, the Committee noted from the information and documents provided by the Government that many instruments adopted from the 58th to the 61st and from the 63rd to the 66th Sessions of the Conference had been referred to the Council of Ministers, which was to transmit them to the Provisional Military Administrative Council, the competent authority in the matter, according to the information previously supplied by the Government. Since the information supplied by the Government to the Conference Committee in 1982 shows that the procedure of submission to the competent authority has now been started, the Committee hopes that the Government will shortly be able to state that the above-mentioned instruments have been submitted to the Provisional Military Administrative Council, and also the instruments adopted at the 62nd (Maritime) Session of the Conference, which were being examined by a special committee, and that in respect of all these instruments it will communicate the information and documents called for in the Memorandum adopted by the Governing Body. Furthermore, the Committee would be grateful if the Government would state whether the instruments adopted at the 67th Session of the Conference have been submitted.

Fiji

The Committee regrets to note that there has been no reply to its previous observation. It trusts that the Government will shortly state whether the instruments adopted from the 59th to the 66th Sessions of the Conference (some of which have already been submitted to the Cabinet) have been submitted to Parliament. It would also be grateful if the Government would state whether the instruments adopted at the 67th Session have been submitted.

Gabon

With reference to its previous observation, the Committee takes note with satisfaction of the submission to the National Assembly, in

SUBMISSION TO THE COMPETENT AUTHORITIES

January 1979 and in 1981, of many instruments adopted at the 51st, 52nd, 54th, 55th, 56th, 59th and 62nd Sessions of the Conference.

Guinea

With reference to its earlier comments, the Committee notes with satisfaction from the information and documents supplied by the Government that the instruments adopted at the 58th and from the 61st to the 67th Sessions of the Conference and the remaining instruments of the 60th Session have been submitted to the competent authorities.

Iraq

The Committee takes note of the statement by a Government representative to the Conference Committee in 1982 to the effect that the consultations required under the procedure of submission involved longer delays than those provided for by the Constitution of the ILO and that information would be supplied before the next Session of the Conference. In the absence of further information, the Committee hopes that the Government will shortly be able to state that the numerous instruments listed in the last column of the table appearing in Appendix I to this part of the report have been submitted to the competent authority and that it will provide in respect of them and of Convention No. 151 and Recommendation No. 159, adopted at the 64th Session, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Ivory Coast

The Committee regrets to note that the Government has not replied to its previous observation. It trusts that the Government will shortly furnish, in respect of the instruments adopted at the 63rd and 64th Sessions, which have already been submitted, the information called for in the Memorandum adopted by the Governing Body (point II(c) of the questionnaire) regarding the proposals that may have been made on the action to be taken on the instruments in question, since such proposals do not appear in the document of submission to the National Assembly. The Committee also hopes that the Government will state that the instruments adopted at the 62nd, 65th, 66th and 67th Sessions have been submitted.

Jamaica

The Committee regrets to note the absence of any reply to its previous observation. It trusts that the Government will shortly state that all the remaining instruments (Convention No. 132 and Recommendation No. 136 and instruments adopted at the 61st, 62nd, 63rd, 64th, 65th, 66th and 67th Sessions) have been submitted. It also hopes that the Government will provide information on the proposals made and decisions taken on the 45 instruments submitted to Parliament by means of a communication of the Minister of labour and Employment on 22 November 1976.

Democratic Kampuchea

The Committee notes the absence of information concerning the submission of the instruments adopted by the Conference to the competent authorities.

Kenya

The Committee regrets to note that the Government has not replied to its direct requests of 1981 and 1982. It hopes that the Government will soon state that the instruments adopted at the 64th, 65th and 66th Sessions of the Conference have been submitted to the competent authorities. It would also be grateful if the Government would state whether the instruments adopted at the 67th Session have been submitted.

Lao Republic

The Committee notes that there is no information concerning the submission to the competent authorities of the instruments adopted by the Conference.

Lebanon

With reference to its previous observation, the Committee takes note with satisfaction of the information provided by the Government to the Conference Committee in 1982 to the effect that Conventions Nos. 132 to 153 and Recommendations Nos. 129 to 134 and 136 to 162, adopted between the 51st and the 66th Sessions of the Conference, have been submitted to Parliament.

The Committee hopes that the remaining instruments, adopted from the 31st to the 50th Sessions, will be submitted shortly and that the Government will provide in respect of them and of those which have just been submitted the information and documents called for in the Memorandum adopted by the Governing Body.

Liberia

With reference to its previous observation, the Committee notes with satisfaction, from the information and documents provided by the Government, that all the instruments adopted from the 31st to the 64th Sessions of the Conference have been submitted to the People's Redemption Council.

Malawi

With reference to its earlier observations, the Committee recalls that, under article 19, paragraphs 5 and 6, of the Constitution of the ILO, Conventions and Recommendations adopted by the Conference must be submitted to the authority or authorities within whose competence the matter lies for the enactment of legislation or other action. Since, under section 35, 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 takes note with interest of the discussion that was held in this connection in the Conference Committee in 1982 and of the statement by a government representative that the Government had decided to reconsider its earlier decision. The Committee therefore hopes that the Government will be able to submit the instruments adopted at the 55th and from the 58th to the 67th Sessions of the Conference to the National Assembly as well.

Malaysia

With reference to its earlier comments, the Committee notes with satisfaction from the information and documents provided by the Government that all the instruments adopted from the 58th to the 67th Sessions of the Conference have been submitted to the competent authorities.

Mauritania

With reference to its earlier comments, the Committee notes with satisfaction from the information and documents supplied by the Government to the Conference Committee in 1982 that all the instruments adopted from the 47th to the 67th Sessions of the Conference have been submitted to the competent authorities.

Mauritius

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1982 concerning the progress made in the preparatory work for the submission of instruments adopted at the 59th and 60th Sessions and from the 63rd to the 66th Sessions of the Conference. The Committee hopes that the Government will shortly state that the above-mentioned instruments and those adopted at the 67th Session have been submitted to Parliament and that it will communicate in respect of them the information and documents called for in the Memorandum adopted by the Governing Body.

Mongolia

With reference to its previous observation, the Committee takes note with interest of the information provided by the Government concerning the decisions taken on the instruments adopted from the 58th to the 66th Sessions of the Conference.

Referring again to its earlier comments, the Committee hopes that the Government will not fail to specify the authorities considered to be competent in respect of submission, in accordance with point I(a) of the questionnaire at the end of the Memorandum adopted by the Governing Body.

Mozambique

With reference to its previous observation, the Committee notes from the information provided to the Conference Committee in 1982 that the Government is continuing its efforts with a view to the submission to the competent authorities of the instruments adopted from the 61st to the 67th Sessions of the Conference. Taking note of the discussion that took place in that Committee on the matter, it hopes that these instruments will be submitted shortly and points out that the authorities to which they must be submitted are the authorities vested with the power to legislate. The Committee also hopes that the Government will provide the information and documents called for in this connection in the Memorandum adopted by the Governing Body, particularly in respect of the proposals or comments of the Government on the action to be taken on the instruments in question.

Nepal

In its previous observation, the Committee noted the information communicated by the Government to the Conference Committee in 1981, to the effect that the question of the competent authority had been settled and that the necessary measures would be taken to submit to Parliament as well the Conventions and Recommendations adopted by the Conference.

In the absence of any further information, the Committee hopes that the Government will shortly state that all the instruments adopted from the 51st to the 61st Sessions and at the 66th and 67th Sessions of the Conference have been submitted and that it will communicate, in respect of them, and of the instruments adopted at the 64th and 65th Sessions, which have already been submitted, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

Nicaragua

Following its previous observation, the Committee notes the statements made by the representatives of the Government to the Conference Committee in 1982 and the discussion which followed. It notes that the Government maintains its position concerning the competent authority, and that the Conventions and Recommendations have been submitted to the Junta of the Government but not to the Council of State.

The Committee again expresses the hope that the Government will re-examine the question and that it will be able to submit the instruments adopted by the Conference not only to the Junta of the Government but also to the Council of State, which shares legislative power with the Junta.

Nigeria

The Committee regrets to note that the Government has not replied to its direct requests of 1981 and 1982 and hopes that it will shortly indicate the proposals made and the decisions taken in respect of the instruments adopted from the 45th to the 59th Sessions of the Conference, which have already been submitted, and that it will also state that the instruments adopted at the 65th and 66th Sessions have been submitted to the competent authorities and communicate in respect of them the information and, if possible, the documents called for in the Memorandum adopted by the Governing Body. In addition, the Committee would be grateful if the Government would state whether the instruments adopted at the 67th Session have been submitted.

Qatar

With reference to its previous observation, the Committee notes with interest from the information provided by the Government that several instruments adopted at the 58th, 59th, 60th and 61st Sessions of the Conference have been submitted to the competent authorities and that those adopted at the 62nd and 63rd Sessions should be submitted shortly. It hopes that the other remaining instruments adopted at the 59th Session (Convention No. 139) and from the 64th to the 67th Sessions will also be submitted shortly and that the Government will provide in respect of all these instruments the information and documents called for in the Memorandum adopted by the Governing Body.

Seychelles

The Committee regrets to note that the Government has replied neither to its previous observation nor, therefore, to the comments that it has been making since 1979. It hopes that the Government will shortly state that the instruments adopted at the 63rd, 64th, 65th and 66th 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. It would also be grateful if the Government would state whether the instruments adopted at the 67th Session have been submitted. It points out that the authorities to which these instruments must be submitted are those vested with the power to legislate. The Committee hopes that the Government will also provide the information and documents called for in this connection in the Memorandum adopted by the Governing Body, particularly in respect of the proposals or comments of the Government on the action to be taken on the instruments in question.

Sierra Leone

The Committee regrets to note that the Government has not replied to its previous observation. It trusts that the Government will shortly state that the remaining instruments adopted at the 62nd Session of the Conference (Convention No. 146 and Recommendation No. 154) and also those adopted at the 63rd, 64th, 65th and 66th Sessions have been submitted to Parliament. In addition, it would be grateful if the Government would state whether the instruments adopted at the 67th Session of the Conference have been submitted.

The Committee also trusts that the Government will shortly supply information on the proposals made to Parliament and the decisions that the latter may have taken concerning those of the instruments adopted from the 46th to the 62nd Sessions of the Conference that have already been submitted.

Tanzania

With reference to its previous comments, the Committee takes note of the statement by a Government representative to the Conference Committee in 1982 to the effect that the Government would shortly communicate information on the submission of the instruments adopted by the Conference from the 54th to the 65th Sessions and that the preparations for submitting the instruments adopted at the 66th and 67th Sessions were completed. The Committee trusts that the Government will shortly state that the above-mentioned instruments have been submitted to the competent authorities and that it will provide, in respect of them and of those adopted from the 47th to the 53rd Sessions, which have already been submitted, the information and documents called for in the Memorandum adopted by the Governing Body.

Togo

With reference to its earlier comments, the Committee notes with satisfaction from the information and documents communicated by the Government that the instruments adopted from the 60th to the 65th Sessions of the Conference have been submitted to the competent authorities.

Yemen

The Committee regrets to note that the Government has not replied to its observations of 1981 and 1982. It trusts that the Government will shortly provide, in respect of the instruments adopted by the Conference from the 50th to the 56th and from the 60th to the 64th Sessions, which have been submitted to the legislative authority, the information and documents called for in the Memorandum adopted by the Governing Body, particularly in respect of point II of the questionnaire. Furthermore, the Committee hopes that the Government will state whether the instruments adopted at the 65th, 66th and 67th Sessions have been submitted to the competent authorities.

*
* *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Burma, Burundi, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, France, Gabon, Federal Republic of Germany, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jordan, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mongolia, Morocco, Namibia, Netherlands, Niger, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Saint Lucia, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, Upper Volta, Uruguay, Viet Nam, Zaire, Zambia.

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit
Conventions and Recommendations to the Competent Authorities**

(31st to 67th Sessions of the International Labour Conference, 1948-81)¹

Note. The number of the Convention or Recommendation is given in parentheses, preceded by the letter "C" or "R" as the case may be, when only some of the texts adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Afghanistan	31 to 51, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136) and 58 to 60	52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 61, 62, 63, 64, 65, 66 and 67
Algeria	47 to 64	65, 66 and 67
Angola	61 to 65	66 and 67
Argentina	31 to 67	—
Australia	31 to 67	—
Austria	31 to 66	67
Bahamas	61 to 66	67
Bahrain	63 to 67	—
Bangladesh	58 to 65	66 and 67
Barbados	51 to 67	—
Belgium	31 to 66	67
Benin	45 to 65	66 and 67
Bolivia	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62	60 (R 151), 63, 64, 65, 66 and 67
Botswana	—	64, 65, 66 and 67

¹ The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
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), 59 (C 140; R 148), 60 (C 142; R 150) and 63 (C 148; R 156)	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 (C 141, 143; R 149, 151), 61, 62, 63 (C 149; R 157), 64, 65, 66 and 67
Bulgaria	31 to 67	—
Burma	31 to 66	67
Burundi	47 to 61, 62 (R 153, 154), 64 (C 150, 151), 65 and 67	62 (C 145, 146, 147; R 155), 63, 64 (R 158, 159) and 66
Byelorussian SSR	37 to 67	—
United Republic of Cameroon	44 to 67	—
Canada	31 to 65	66 and 67
Cape Verde	65 and 66	67
Central African Republic	45 to 64, 66 and 67	65
Chad	45 to 54	55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67
Chile	31 to 67	—
Colombia	31 to 66	67
Comoros	—	65, 66 and 67
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), 65, 66 and 67
Costa Rica	31 to 63 and 64 (C 150; R 158)	64 (C 151; R 159), 65, 66 and 67
Cuba	31 to 62, 63 (C 148; R 156), 64, 65 (C 152; R 160) and 67 (C 155; R 164)	63 (C 149; R 157), 65 (C 153; R 161), 66 and 67 (C 154, 156; R 163, 165)
Cyprus	45 to 66	67
Czechoslovakia	31 to 66	67

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)
Democratic Kampuchea	53, 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67
Democratic Yemen	53 to 67	—
Denmark	31 to 65	66 and 67
Djibouti	64, 65 and 67	66
Dominican Republic . . .	31 to 62 and 64	63, 65, 66 and 67
Ecuador	31 to 64	65, 66 and 67
Egypt	31 to 67	—
El Salvador	31 to 61	62, 63, 64, 65, 66 and 67
Equatorial Guinea	67	—
Ethiopia	31 to 53, 54 (C 131, 132; R 135), 55 and 56	54 (R 136), 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67
Fiji	59 and 60	61, 62, 63, 64, 65, 66 and 67
Finland	31 to 67	—
France	31 to 67	—
Gabon	45 to 64	65, 66 and 67
German Democratic Republic	59 to 67	—
Germany, Federal Republic of	34 to 62, 63 (C 149; R 157), 64 (C 150; R 158), 65 (C 152, 153; R 160) and 66	63 (C 148; R 156), 64 (C 151; R 159), 65 (R 161) and 67
Ghana	40 to 65	66 and 67
Greece	31 to 45, 46 (C 118; R 116, 117), 47 to 61, 62 (C 147; R 155), 63, 64 (C 151; R 159), 65 and 67 (C 154; R 163)	46 (C 117), 62 (C 145, 146; R 153, 154), 64 (C 150; R 158), 66 and 67 (C 155, 156; R 164, 165)
Grenada	—	66 and 67
Guatemala	31 to 67	—
Guinea	43 to 67	—

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)
Guinea-Bissau	—	63, 64, 65, 66 and 67
Guyana	50 to 66	67
Haiti	31 to 66	67
Honduras	39 to 66	67
Hungary	31 to 66	67
Iceland	31 to 66	67
India	31 to 67	—
Indonesia	33 to 65	66 and 67
Iran	31 to 61	62, 63, 64, 65, 66 and 67
Iraq	31, 32 (C 92, 95, 98), 34, 35 (C 102, 103), 36, 40 (C 105, 106), 42 (C 111; R 111), 43 (C 112, 113, 114), 44, 45 (C 116), 46 (C 117, 118), 48 (C 122), 49 (C 123, 124), 51 to 56, 58 (C 137; R 145), 59, 60 (C 142; R 150), 61, 62 (C 145; R 154), 63 (C 149; R 157) and 64	32 (C 91, 93, 94, 96, 97; R 84, 85, 86, 87), 33, 35 (C 101; R 93, 94, 95), 37, 38, 39, 40 (C 107; R 103, 104), 41, 42 (C 110; R 110), 43 (R 112), 45 (R 115), 46 (R 116, 117), 47, 48 (C 120, 121; R 120, 121, 122), 49 (R 123, 124, 125), 50, 58 (C 138; R 146), 60 (C 141, 143; R 149, 151), 62 (C 146, 147; R 153, 155), 63 (C 148; R 156), 65, 66 and 67
Ireland	31 to 61	62, 63, 64, 65, 66 and 67
Israel	32 to 67	—
Italy	31 to 66	67
Ivory Coast	45 to 61, 63 and 64	62, 65, 66 and 67
Jamaica	47 to 53, 54 (C 131; R 135), 55 to 60	54 (C 132; R 136), 61, 62, 63, 64, 65, 66 and 67
Japan	35 to 67	—
Jordan	39 to 66	67
Kenya	48 to 63	64, 65, 66 and 67
Kuwait	45 to 67	—
Lao Republic	—	48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67

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)
Lebanon	31 (C 88, 89, 90; R 83), 32 (C 95, 98; R 85), 34 (C 100; R 90), 35 (C 102, 103), 40 (C 105, 106; R 103), 42 (C 111; R 111), 44 (C 115), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 121, 122; R 120, 122), 49 (C 123, 124), 50 (C 125, 126) and 51 to 66	31 (C 87), 32 (C 91, 92, 93, 94, 96, 97; R 84, 86, 87), 33, 34 (C 99; R 89, 91, 92), 35 (C 101; R 93, 94, 95), 36, 37, 38, 39, 40 (C 107; R 104), 41, 42 (C 110; R 110), 43, 44 (R 113, 114), 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (R 121), 49 (R 123, 124, 125), 50 (R 126, 127) and 67
Lesotho	—	66 and 67
Liberia	31 to 65	66 and 67
Libyan Arab Jamahiriya	35 to 63	64, 65, 66 and 67
Luxembourg	31 to 67	—
Madagascar	45 to 54, 56 to 67	55
Malawi	49 to 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67
Malaysia	41 to 67	—
Mali	44 to 66	67
Malta	49 to 55, 56, 58 to 62, 63 (C 148; R 156) and 64 (C 150; R 158)	63 (C 149; R 157), 64 (C 151; R 159), 65, 66 and 67
Mauritania	45 to 67	—
Mauritius	53 to 58, 59 (C 139; R 147), 61 and 62	59 (C 140; R 148), 60, 63, 64, 65, 66 and 67
Mexico	31 to 67	—
Mongolia	53 to 66	67
Morocco	39 to 65 and 67	66
Mozambique	—	61, 62, 63, 64, 65, 66 and 67
Namibia	—	66 and 67
Nepal	54 (C 131) and 62 to 65	51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60, 61, 66 and 67
Netherlands	31 to 63, 64 (C 150; R 158), 65, 66 and 67 (C 154; R 163)	64 (C 151; R 159) and 67 (C 155, 156; R 164, 165)
New Zealand	31 to 67	—
Nicaragua	40 to 67	—

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)
Niger	45 to 64	65, 66 and 67
Nigeria	45 to 64	65, 66 and 67
Norway	31 to 67	—
Pakistan	31 to 66	67
Panama	31 to 67	—
Papua New Guinea	61 to 65	66 and 67
Paraguay	40 to 67	—
Peru	31 to 64	65, 66 and 67
Philippines	31 to 66	67
Poland	31 to 67	—
Portugal	31 to 66	67
Qatar	58, 59 (C 140; R 147, 148), 60 and 61	59 (C 139), 62, 63, 64, 65, 66 and 67
Romania	39 to 67	—
Rwanda	47 to 67	—
Saint Lucia	—	66 and 67
Saudi Arabia	61 to 67	—
Senegal	44 to 67	—
Seychelles	—	63, 64, 65, 66 and 67
Sierra Leone	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64, 65, 66 and 67
Singapore	50 to 66	67
Somalia	45 to 67	—
Spain	39 to 60, 61 (R 152), 62, 63 (C 148; R 156), 64 (C 150; R 158) and 65 (C 152; R 160)	61 (C 144), 63 (C 149; R 157), 64 (C 151; R 159), 65 (C 153; R 161), 66 and 67
Sri Lanka	31 to 66	67
Sudan	39 to 66	67
Suriname	61, 63 and 64	62, 65, 66 and 67
Swaziland	60 to 67	—
Sweden	31 to 67	—

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)
Switzerland	31 to 67	—
Syrian Arab Republic. . .	31 to 58 (C 138; R 146), 59, 60 and 61	58 (C 137; R 145), 62, 63, 64, 65, 66 and 67
Tanzania	46 to 65	66 to 67
Thailand	31 to 66	67
Togo	44 to 65	66 and 67
Trinidad and Tobago . . .	47 to 64	65, 66 and 67
Tunisia	39 to 61 and 63	62, 64, 65, 66 and 67
Turkey	31 to 67	—
Uganda	47 to 65	66 and 67
Ukrainian SSR	37 to 67	—
United Arab Emirates . .	58 to 63	64, 65, 66 and 67
United Kingdom	31 to 67	—
United States	31 to 60 and 66	61, 62, 63 and 67
Upper Volta.	45 to 58, 60 (C 143; R 151), 61 to 64, 66 and 67	59, 60 (C 141, 142; R 149, 150) and 65
Uruguay	31 to 66 and 67 (C 154; R 163)	67 (C 155, 156; R 164, 165)
USSR	37 to 67	—
Venezuela	31 to 63, 64 (C 150, 151; R 158), 65 (C 153; R 161) and 67	64 (R 159), 65 (C 152; R 160) and 66
Viet Nam.	—	66 and 67
Yemen	49 to 64	65, 66 and 67
Yugoslavia.	31 to 67	—
Zaire	45 to 61 and 63 to 65	62, 66 and 67
Zambia	49 to 66	67
Zimbabwe	66 and 67	—

Appendix II. Over-all position of member States at 23 March 1983

Sessions at which decisions were adopted	Number of States in which, according to information supplied by Government			
	All the texts have been submitted	Some of these texts have been submitted	None of these texts have been submitted (including cases in which no information has been supplied by the Government)	Number of States which were Members of the Organisation at the time of the session
31 (June 1948)	58	2	—	60
32 (June 1949)	58	3	—	61
33 (June 1950)	60	— ¹	3	63
34 (June 1951)	62	2	—	64
35 (June 1952)	63	3	—	66
36 (June 1953)	64	—	2	66
37 (June 1954)	66	— ¹	3	69
38 (June 1955)	66	1	2	69
39 (June 1956)	73	—	3	76
40 (June 1957)	74	3	—	77
41 (April/May 1958)	76	1	2	79
42 (June 1958)	77	2	—	79
43 (June 1959)	77	2	1	80
44 (June 1960)	81	1	1	83
45 (June 1961)	98	3	—	101
46 (June 1962)	97	5	—	102
47 (June 1963)	102	4	2	108
48 (June/July 1964)	106	3	1	110
49 (June 1965)	110	3	1	114
50 (June 1966)	109	4	2	115
51 (June 1967)	116	1	—	117
52 (June 1968)	112	— ¹	6	118
53 (June 1969)	117	2	2	121
54 (June 1970)	113	5	3	121
55 (October 1970)	111	3	7	121
56 (June 1971)	111	2	8	121
58 (June 1973)	107	6	10	123
59 (June 1974)	114	3	8	125
60 (June 1975)	112	4	10	126
61 (June 1976)	112	1	18	131
62 (October 1976)	103	4	25	132
63 (June 1977)	100	3	32	135
64 (June 1978)	98	8	30	136
65 (June 1979)	87	4	48	139
66 (June 1980)	67	— ¹	77	144
67 (June 1981)	51	4	90	145

¹ At this session the Conference adopted one Recommendation only.

International Labour Conference
69th Session 1983

Report III
(Part 5)

Third Item on the Agenda :

Information and Reports on the Application
of Conventions and Recommendations

List of Ratifications of Conventions

(as at 31 December 1982)

International Labour Office Geneva

ISBN 92-2-103140-3

ISSN 0074-6681

First published 1983

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

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

TABLES OF RATIFICATIONS OF CONVENTIONS

1. HOURS OF WORK (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	India	14. 7.21
Argentina	30.11.33	Iraq	24. 8.65
Austria ¹	12. 6.24	Israel	26. 6.51
Bangladesh	22. 6.72	Italy ¹	6.10.24
Belgium	6. 9.26	Kuwait	21. 9.61
Bolivia	15.11.73	Lebanon	1. 6.77
Bulgaria	14. 2.22	Libyan Arab Jamahiriya	27. 5.71
Burma	14. 7.21	Luxembourg	16. 4.28
Burundi	30. 7.71	Mozambique	6. 6.77
Canada	21. 3.35	New Zealand	29. 3.38
Chile	15. 9.25	Nicaragua	12. 4.34
Colombia	20. 6.33	Pakistan	14. 7.21
Comoros	23.10.78	Paraguay	21. 3.66
Costa Rica	1. 3.82	Peru	8.11.45
Cuba	20. 9.34	Portugal	3. 7.28
Czechoslovakia	24. 8.21	Romania	13. 6.21
Djibouti	3. 8.78	Saudi Arabia	15. 6.78
Dominican Republic	4. 2.33	Spain	22. 2.29
Egypt	10. 5.60	Syrian Arab Republic	10. 5.60
France ¹	2. 6.27	United Arab Emirates	27. 5.82
Ghana	19. 6.73	Uruguay	6. 6.33
Greece	19.11.20	Venezuela	20.11.44
Guinea-Bissau	21. 2.77		
Haiti	31. 3.52		

¹Conditional ratification.

RATIFIED CONVENTIONS

2. UNEMPLOYMENT CONVENTION, 1919

This Convention came into force on 14 July 1921

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Kenya	13. 1.64
Australia	15. 6.72	Luxembourg	16. 4.28
Austria	12. 6.24	Malta	4. 1.65
Belgium	25. 8.30	Mauritius	2.12.69
Bulgaria ¹	14. 2.22	Morocco	14.10.60
Burma	14. 7.21	Netherlands	6. 2.32
Central African Republic ...	9. 6.64	New Zealand	29. 3.38
Chile	31. 5.33	Nicaragua	12. 4.34
Colombia	20. 6.33	Norway	23.11.21
Cyprus	8.10.65	Papua New Guinea	1. 5.76
Denmark	13.10.21	Poland	21. 6.24
Djibouti	3. 8.78	Romania	13. 6.21
Ecuador	5. 2.62	Seychelles	6. 2.78
Egypt	3. 7.54	South Africa	20. 2.24
Ethiopia	11. 6.66	Spain	4. 7.23
Finland	19.10.21	Sudan	18. 6.57
France	25. 8.25	Sweden	27. 9.21
Federal Republic of Germany	6. 6.25	Switzerland	9.10.22
Greece	19.11.20	Syrian Arab Republic	26. 7.60
Guyana	8. 6.66	Turkey	14. 7.50
Hungary	1. 3.28	United Kingdom	14. 7.21
Iceland	17. 2.58	Uruguay ¹	6. 6.33
India ¹	14. 7.21	Venezuela	20.11.44
Ireland	4. 9.25	Yugoslavia	1. 4.27
Italy	10. 4.23		
Japan	23.11.22		

¹Has denounced this Convention.

3. MATERNITY PROTECTION CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Ivory Coast	5. 5.61
Argentina	30.11.33	Libyan Arab Jamahiriya	27. 5.71
Brazil ¹	26. 4.34	Luxembourg	16. 4.28
Bulgaria	14. 2.22	Mauritania	8.11.63
United Republic of Cameroon	25. 5.70	Nicaragua	12. 4.34
Central African Republic ...	9. 6.64	Panama	3. 6.58
Chile	15. 9.25	Romania	13. 6.21
Colombia	20. 6.33	Spain	4. 7.23
Cuba	6. 8.28	Upper Volta	30. 6.69
France	16.12.50	Uruguay ¹	6. 6.33
Gabon	13. 6.61	Venezuela	20.11.44
Federal Republic of Germany	31.10.27	Yugoslavia	1. 4.27
Greece	19.11.20		
Guinea	12.12.66		
Hungary	19. 4.28		
Italy	22.10.52		

¹Has denounced this Convention and ratified Convention No. 103.

RATIFIED CONVENTIONS

4. NIGHT WORK (WOMEN) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Madagascar	1.11.60
Albania ¹	17. 3.32	Mali	22. 9.60
Angola	4. 6.76	Mauritania ²	20. 6.61
Argentina	30.11.33	Morocco	13. 6.56
Austria	12. 6.24	Netherlands ²	4. 9.22
Bangladesh	22. 6.72	Nicaragua	12. 4.34
Belgium ²	12. 7.24	Niger	27. 2.61
Benin	12.12.60	Pakistan	14. 7.21
Brazil ²	26. 4.34	Peru	8.11.45
Bulgaria ¹	14. 2.22	Portugal	10. 5.32
Burma ²	14. 7.21	Romania ²	13. 6.21
Burundi	11. 3.63	Rwanda	18. 9.62
United Republic of Cameroon ²	7. 6.60	Senegal	4.11.60
Central African Republic ...	27.10.60	South Africa ²	1.11.21
Chad	10.11.60	Spain	29. 9.32
Chile ¹	8.10.31	Sri Lanka ²	8.10.51
Colombia	20. 6.33	Switzerland ²	9.10.22
Congo ²	10.11.60	Togo	7. 6.60
Cuba	6. 8.28	Tunisia ²	15. 5.57
Czechoslovakia ²	24. 8.21	United Kingdom ²	14. 7.21
France ²	14. 5.25	Upper Volta	21.11.60
Gabon	14.10.60	Uruguay ²	6. 6.33
Greece ²	19.11.20	Venezuela ²	7. 3.33
Guinea ²	21. 1.59	Viet Nam ²	6. 6.53
Guinea-Bissau	21. 2.77	Yugoslavia ²	1. 4.27
Hungary ²	19. 4.28	Zaire	20. 9.60
India	14. 7.21		
Ireland ²	4. 9.25		
Italy	10. 4.23		
Ivory Coast	21.11.60		
Democratic Kampuchea	24. 2.69		
Lao Republic	23. 1.64		
Luxembourg ¹	16. 4.28		

¹Has denounced this Convention.

²Has denounced this Convention (see under Conventions Nos. 41 and 89 the States which have ratified the revised Conventions).

RATIFIED CONVENTIONS

5. MINIMUM AGE (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	Lesotho	31.10.66
Argentina	30.11.33	Luxembourg ¹	16. 4.28
Austria	26. 2.36	Madagascar	1.11.60
Bahamas	25. 5.76	Mali	22. 9.60
Barbados	8. 5.67	Malta	4. 1.65
Belgium	12. 7.24	Mauritania	20. 6.61
Benin	12.12.60	Mauritius	2.12.69
Bolivia	19. 7.54	Netherlands ¹	21. 7.28
Brazil	26. 4.34	Nicaragua ¹	12. 4.34
Bulgaria ¹	14. 2.22	Niger ¹	27. 2.61
United Republic of Cameroon	7. 6.60	Norway ¹	7. 7.37
Central African Republic ...	27.10.60	Poland ¹	21. 6.24
Chad	10.11.60	Romania ¹	13. 6.21
Chile	15. 9.25	Saint Lucia	14. 5.80
Colombia	20. 6.33	Senegal	4.11.60
Comoros	23.10.78	Seychelles	6. 2.78
Congo	10.11.60	Sierra Leone	15. 6.61
Cuba ¹	6. 8.28	Singapore	25.10.65
Czechoslovakia	24. 8.21	Spain ¹	29. 9.32
Denmark	4. 1.23	Sri Lanka	27. 9.51
Djibouti	3. 8.78	Swaziland	26. 4.78
Dominican Republic	4. 2.33	Switzerland	9.10.22
Fiji	19. 4.74	Tanzania:	
France	29. 4.39	Zanzibar	22. 6.64
Gabon	14.10.60	Togo	7. 6.60
Greece	19.11.20	Uganda	4. 6.63
Grenada	9. 7.79	United Kingdom	14. 7.21
Guinea	21. 1.59	Upper Volta	21.11.60
Guyana	8. 6.66	Uruguay ¹	6. 6.33
Haiti	12. 4.57	Venezuela	20.11.44
India	9. 9.55	Viet Nam	6. 6.53
Ireland ¹	4. 9.25	Yugoslavia	1. 4.27
Israel ¹	23.12.53	Zambia ¹	2.12.64
Ivory Coast	21.11.60		
Japan	7. 8.26		
Kenya ¹	13. 1.64		

¹Convention denounced as a result of
the ratification of Convention No. 138.

RATIFIED CONVENTIONS

6. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	Lao Republic	23. 1.64
Algeria	19.10.62	Luxembourg	16. 4.28
Angola	4. 6.76	Madagascar	1.11.60
Argentina	30.11.33	Mali	22. 9.60
Austria	12. 6.24	Mauritania	20. 6.61
Bangladesh	22. 6.72	Mexico ¹	20. 5.37
Belgium	12. 7.24	Netherlands ¹	17. 3.24
Benin	12.12.60	Nicaragua	12. 4.34
Brazil	26. 4.34	Niger	27. 2.61
Bulgaria	14. 2.22	Pakistan	14. 7.21
Burma	14. 7.21	Poland	21. 6.24
United Republic of Cameroon ¹	7. 6.60	Portugal	10. 5.32
Central African Republic ...	27.10.60	Romania	13. 6.21
Chad	10.11.60	Senegal	4.11.60
Chile	15. 9.25	Spain	29. 9.32
Comoros	23.10.78	Sri Lanka ¹	26.10.50
Congo	10.11.60	Switzerland	9.10.22
Cuba	6. 8.28	Togo	7. 6.60
Denmark	4. 1.23	Tunisia ¹	12. 1.59
Djibouti	3. 8.78	United Kingdom ²	14. 7.21
France	25. 8.25	Upper Volta	21.11.60
Gabon	14.10.60	Uruguay ¹	6. 6.33
Greece	19.11.20	Venezuela	7. 3.33
Guinea ¹	21. 1.59	Viet Nam	6. 6.53
Guinea-Bissau	21. 2.77	Yugoslavia ¹	1. 4.27
Hungary	19. 4.28		
India	14. 7.21		
Ireland	4. 9.25		
Italy	10. 4.23		
Ivory Coast	21.11.60		
Democratic Kampuchea	24. 2.69		

¹Has denounced this Convention and has ratified Convention No. 9C.

²Has denounced this Convention.

RATIFIED CONVENTIONS

7. MINIMUM AGE (SEA) CONVENTION, 1920

This Convention came into force on 27 September 1921

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Mexico ¹	17. 8.48
Argentina	30.11.33	Netherlands ²	26. 3.25
Australia	28. 6.35	Nicaragua ²	12. 4.34
Bahamas	25. 5.76	Norway ²	7.10.27
Barbados	8. 5.67	Papua New Guinea	1. 5.76
Belgium	4. 2.25	Poland ²	21. 6.24
Brazil ¹	8. 6.36	Portugal	24.10.60
Bulgaria ²	16. 3.23	Romania ²	8. 5.22
Canada	31. 3.26	Saint Lucia	14. 5.80
Chile	18.10.35	Seychelles	6. 2.78
China	2.12.36	Sierra Leone	15. 6.61
Colombia	20. 6.33	Singapore	25.10.65
Cuba ²	6. 8.28	Spain ²	20. 6.24
Denmark	12. 5.24	Sri Lanka	2. 9.50
Dominican Republic	4. 2.33	Sweden	27. 9.21
Finland ²	10.10.25	Tanzania:	
Federal Republic of Germany ²	11. 6.29	Zanzibar	22. 6.64
Greece	16.12.25	United Kingdom	14. 7.21
Grenada	9. 7.79	Uruguay ²	6. 6.33
Guinea-Bissau	21. 2.77	Venezuela	20.11.44
Guyana	8. 6.66	Yugoslavia	1. 4.27
Hungary	1. 3.28		
Ireland ²	4. 9.25		
Italy ²	14. 7.32		
Jamaica	8. 7.63		
Japan	7. 6.24		
Luxembourg ²	16. 4.28		
Malaysia:			
Sarawak	3. 3.64		
Malta	4. 1.65		
Mauritius	2.12.69		

¹Has denounced this Convention and has ratified Convention No. 58.

²Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

8. UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920

This Convention came into force on 16 March 1923

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Mexico	20. 5.37
Australia	28. 6.35	Netherlands	15.12.37
Belgium	4. 2.25	New Zealand	11. 1.80
Bulgaria	16. 3.23	Nicaragua	12. 4.34
Canada	31. 3.26	Nigeria	16. 6.61
Chile	18.10.35	Norway	21. 7.36
Colombia	20. 6.33	Panama	19. 6.70
Cuba	6. 8.28	Papua New Guinea	1. 5.76
Denmark	15. 2.38	Peru	4. 4.62
Fiji	19. 4.74	Poland	21. 6.24
Finland	20. 1.50	Portugal	19. 5.81
France	21. 3.29	Romania	10.11.30
Federal Republic of Germany	4. 3.30	Saint Lucia	14. 5.80
Ghana	18. 3.65	Seychelles	6. 2.78
Greece	16.12.25	Sierra Leone	15. 6.61
Grenada	9. 7.79	Singapore	25.10.65
Iraq	19. 4.66	Spain	20. 6.24
Ireland	5. 7.30	Sri Lanka	25. 4.51
Italy	8. 9.24	Sweden	1. 1.35
Jamaica	8. 7.63	Switzerland	21. 4.60
Japan	22. 8.55	Tunisia	14. 4.70
Luxembourg	16. 4.28	United Kingdom	12. 3.26
Malta	4. 1.65	Uruguay	6. 6.33
Mauritius	2.12.69	Yugoslavia	30. 9.29

9. PLACING OF SEAMEN CONVENTION, 1920

This Convention came into force on 23 November 1921

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Italy	8. 9.24
Australia	3. 8.25	Japan	23.11.22
Belgium	4. 2.25	Luxembourg	16. 4.28
Bulgaria	16. 3.23	Mexico	1. 9.39
United Republic of Cameroon	25. 5.70	Netherlands	9. 1.48
Chile	18.10.35	New Zealand	29. 3.38
Colombia	20. 6.33	Nicaragua	12. 4.34
Cuba	6. 8.28	Norway	23.11.21
Denmark	23. 8.38	Panama	19. 6.70
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Poland	21. 6.24
Finland	7.10.22	Romania	10.11.30
France	25. 1.28	Spain	23. 2.31
Federal Republic of Germany	6. 6.25	Sweden	27. 9.21
Greece	16.12.25	Uruguay	6. 6.33
Israel	19. 6.69	Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

10. MINIMUM AGE (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 31 August 1923

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Israel ¹	23.12.53
Algeria	19.10.62	Italy ¹	8. 9.24
Argentina	26. 5.36	Japan	19.12.23
Australia	24.12.57	Luxembourg ¹	16. 4.28
Austria	12. 6.24	Malta	4. 1.65
Bahamas	25. 5.76	Netherlands ¹	28.11.56
Barbados	2.10.78	New Zealand	8. 7.47
Belgium	13. 6.28	Nicaragua ¹	12. 4.34
Bulgaria ¹	6. 3.25	Norway ¹	28. 1.57
Byelorussian SSR ¹	6.11.56	Panama	19. 6.70
United Republic of Cameroon	25. 5.70	Papua New Guinea	1. 5.76
Central African Republic ...	9. 6.64	Peru	1. 2.60
Chile	18.10.35	Poland ¹	21. 6.24
Comoros	23.10.78	Romania ¹	10.11.30
Cuba ¹	22. 8.35	Senegal	22.10.62
Czechoslovakia	31. 8.23	Seychelles	6. 2.78
Djibouti	3. 8.78	Spain ¹	29. 8.32
Dominican Republic	4. 2.33	Sweden	27.11.23
France	7. 6.51	Ukrainian SSR ¹	14. 9.56
Gabon	13. 6.61	USSR ¹	10. 8.56
Federal Republic of Germany ¹	20. 3.57	United Kingdom	11. 7.63
Grenada	9. 7.79	Uruguay ¹	6. 6.33
Guinea	12.12.66		
Guyana	8. 6.66		
Hungary	2. 2.27		
Ireland ¹	26. 5.25		

¹Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

11. RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 11 May 1923

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Mali	22. 9.60
Algeria	19.10.62	Malta	4. 1.65
Argentina	26. 5.36	Mauritania	20. 6.61
Australia	24.12.57	Mauritius	2.12.69
Austria	12. 6.24	Mexico	20. 5.37
Bahamas	25. 5.76	Morocco	20. 5.57
Bangladesh	22. 6.72	Mozambique	6. 6.77
Barbados	8. 5.67	Netherlands	20. 8.26
Belgium	19. 7.26	New Zealand	29. 3.38
Benin	12.12.60	Nicaragua	12. 4.34
Brazil	25. 4.57	Niger	27. 2.61
Bulgaria	6. 3.25	Nigeria	16. 6.61
Burma	11. 5.23	Norway	11. 6.29
Burundi	11. 3.63	Pakistan	11. 5.23
Byelorussian SSR	6.11.56	Panama	19. 6.70
United Republic of Cameroon	7. 6.60	Papua New Guinea	1. 5.76
Central African Republic ...	27.10.60	Paraguay	16. 5.68
Chad	10.11.60	Peru	8.11.45
Chile	15. 9.25	Poland	21. 6.24
China	27. 4.34	Portugal	27. 9.77
Colombia	20. 6.33	Romania	10.11.30
Comoros	23.10.78	Rwanda	18. 9.62
Congo	10.11.60	Saint Lucia	14. 5.80
Costa Rica	16. 9.63	Senegal	4.11.60
Cuba	22. 8.35	Seychelles	6. 2.78
Cyprus	8.10.65	Singapore	25.10.65
Czechoslovakia	31. 8.23	Spain	29. 8.32
Denmark	20. 6.30	Sri Lanka	25. 8.52
Djibouti	3. 8.78	Suriname	15. 6.76
Ecuador	10. 3.69	Swaziland	26. 4.78
Egypt	3. 7.54	Sweden	27.11.23
Ethiopia	4. 6.63	Switzerland	23. 5.40
Fiji	19. 4.74	Syrian Arab Republic	26. 7.60
Finland	19. 6.23	Tanzania:	
France	23. 3.29	Tanganyika	19.11.62
Gabon	14.10.60	Zanzibar	22. 6.64
German Democratic Republic .	1. 1.74	Togo	7. 6.60
Federal Republic of Germany	6. 6.25	Tunisia	15. 5.57
Ghana	14. 3.68	Turkey	29. 3.61
Greece	13. 6.52	Uganda	4. 6.63
Grenada	9. 7.79	Ukrainian SSR	14. 9.56
Guinea	21. 1.59	USSR	10. 8.56
Guyana	8. 6.66	United Kingdom	6. 8.23
Iceland	21. 8.56	Upper Volta	21.11.60
India	11. 5.23	Uruguay	6. 6.33
Ireland	17. 6.24	Venezuela	20.11.44
Italy	8. 9.24	Yugoslavia	30. 9.29
Ivory Coast	21.11.60	Zaire	20. 9.60
Jamaica	8. 7.63	Zambia	2.12.64
Kenya	13. 1.64		
Lesotho	31.10.66		
Luxembourg	16. 4.28		
Madagascar	1.11.60		
Malawi	22. 3.65		
Malaysia:			
Peninsular Malaysia	11. 1.60		
Saravak	3. 3.64		

RATIFIED CONVENTIONS

12. WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 26 February 1923

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Malta	4. 1.65
Argentina	26. 5.36	Mauritius	2.12.69
Australia	7. 6.60	Mexico	1.11.37
Austria	14. 6.54	Morocco	20. 9.56
Bahamas	25. 5.76	Netherlands	20. 8.26
Barbados	8. 5.67	New Zealand	29. 3.38
Belgium	26.10.32	Nicaragua	12. 4.34
Brazil	25. 4.57	Norway	22. 1.63
Bulgaria	6. 3.25	Panama	3. 6.58
Burundi	11. 3.63	Papua New Guinea	1. 5.76
Chile	15. 9.25	Peru	4. 4.62
Colombia	20. 6.33	Poland	21. 6.24
Comoros	23.10.78	Portugal	16. 5.60
Cuba	22. 8.35	Rwanda	18. 9.62
Czechoslovakia	12. 6.50	Saint Lucia	14. 5.80
Denmark	26. 2.23	Senegal	22.10.62
Djibouti	3. 8.78	Singapore	25.10.65
El Salvador	11.10.55	Spain	1.10.31
Fiji	19. 4.74	Swaziland	26. 4.78
Finland	20. 1.50	Sweden	27.11.23
France	4. 4.28	Tanzania:	
Gabon	13. 6.61	Tanganyika	19.11.62
Federal Republic of Germany	6. 6.25	Zanzibar	22. 6.64
Grenada	9. 7.79	Tunisia	15. 5.57
Guinea-Bissau	21. 2.77	Uganda	4. 6.63
Guyana	8. 6.66	United Kingdom	6. 8.23
Baiti	19. 4.55	Uruguay ¹	6. 6.33
Hungary	8. 6.56	Yugoslavia	27. 1.58
Ireland	17. 6.24	Zaire	20. 9.60
Italy	1. 9.30	Zambia	2.12.64
Kenya	13. 1.64		
Luxembourg	16. 4.28		
Madagascar	10. 8.62		
Malawi	22. 3.65		
Malaysia:			
Peninsular Malaysia	5. 6.61		
Sarawak	3. 3.64		

¹Has denounced this Convention and has ratified Convention No. 121.

RATIFIED CONVENTIONS

13. WHITE LEAD (PAINTING) CONVENTION, 1921

This Convention came into force on 31 August 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Democratic Kampuchea	24. 2.69
Algeria	19.10.62	Lao Republic	23. 1.64
Argentina	26. 5.36	Luxembourg	16. 4.28
Austria	12. 6.24	Madagascar	1.11.60
Belgium	19. 7.26	Mali	22. 9.60
Benin	12.12.60	Mauritania	20. 6.61
Bulgaria	6. 3.25	Mexico	7. 1.38
United Republic of Cameroon	7. 6.60	Morocco	13. 6.56
Central African Republic ...	27.10.60	Netherlands	15.12.39
Chad	10.11.60	Nicaragua	12. 4.34
Chile	15. 9.25	Niger	27. 2.61
Colombia	20. 6.33	Norway	11. 6.29
Comoros	23.10.78	Panama	19. 6.70
Congo	10.11.60	Poland	21. 6.24
Cuba	7. 7.28	Romania	4.12.25
Czechoslovakia	31. 8.23	Senegal	4.11.60
Djibouti	3. 8.78	Spain	20. 6.24
Finland	5. 4.29	Suriname	15. 6.76
France	19. 2.26	Sweden	27.11.23
Gabon	14.10.60	Togo	7. 6.60
Greece	22.12.26	Tunisia	12. 6.56
Guinea	21. 1.59	Upper Volta	21.11.60
Hungary	8. 6.56	Uruguay	6. 6.33
Iraq	19. 4.66	Venezuela	28. 4.33
Italy	22.10.52	Viet Nam	6. 6.53
Ivory Coast	21.11.60	Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

14. WEEKLY REST (INDUSTRY) CONVENTION, 1921

This Convention came into force on 19 June 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Lebanon	26. 7.62
Algeria	19.10.62	Lesotho	31.10.66
Angola	4. 6.76	Libyan Arab Jamahiriya	27. 5.71
Argentina	26. 5.36	Luxembourg	16. 4.28
Bahamas	25. 5.76	Madagascar	1.11.60
Bahrain	11. 6.81	Malaysia:	
Bangladesh	22. 6.72	Sarawak	3. 3.64
Belgium	19. 7.26	Mali	22. 9.60
Benin	12.12.60	Mauritania	20. 6.61
Bolivia	19. 7.54	Mauritius	2.12.69
Brazil	25. 4.57	Mexico	7. 1.38
Bulgaria	6. 3.25	Morocco	20. 9.56
Burma	11. 5.23	Mozambique	6. 6.77
Burundi	11. 3.63	Netherlands	14. 7.65
Byelorussian SSR	26. 2.68	New Zealand	29. 3.38
United Republic of Cameroon	7. 6.60	Nicaragua	12. 4.34
Canada	21. 3.35	Niger	27. 2.61
Central African Republic	27.10.60	Norway	7. 7.37
Chad	10.11.60	Pakistan	11. 5.23
Chile	15. 9.25	Paraguay	21. 3.66
China	17. 5.34	Peru	8.11.45
Colombia	20. 6.33	Poland	21. 6.24
Comoros	23.10.78	Portugal	3. 7.28
Congo	10.11.60	Romania	18. 8.23
Cuba	20. 7.53	Rwanda	18. 9.62
Czechoslovakia	31. 8.23	Saint Lucia	14. 5.80
Denmark	30. 8.35	Saudi Arabia	15. 6.78
Djibouti	3. 8.78	Senegal	4.11.60
Egypt	10. 5.60	Spain	20. 6.24
Finland	19. 6.23	Suriname	15. 6.76
France	3. 9.26	Swaziland	26. 4.78
Gabon	14.10.60	Sweden	22.12.31
Ghana	19. 6.73	Switzerland	16. 1.35
Greece	11. 5.29	Syrian Arab Republic	10. 5.60
Grenada	9. 7.79	Thailand	5. 4.68
Guinea	21. 1.59	Togo	7. 6.60
Guinea-Bissau	21. 2.77	Tunisia	15. 5.57
Haiti	14. 5.52	Turkey	27.12.46
Honduras	17.11.64	Ukrainian SSR	19. 6.68
Hungary	8. 6.56	USSR	22. 9.67
India	11. 5.23	Upper Volta	21.11.60
Iran	10. 6.72	Uruguay	6. 6.33
Iraq	12. 5.60	Venezuela	20.11.44
Ireland	22. 7.30	Viet Nam	14. 6.55
Israel	26. 6.51	Yemen	29. 7.76
Italy	8. 9.24	Yugoslavia	1. 4.27
Ivory Coast	21.11.60	Zaire	20. 9.60
Kenya	13. 1.64	Zimbabwe	6. 6.80

RATIFIED CONVENTIONS

15. MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Argentina	26. 5.36	Mauritania	8.11.63
Australia	28. 6.35	Mauritius	2.12.69
Bangladesh	22. 6.72	Morocco	14. 3.58
Belgium	19. 7.26	Netherlands ¹	17. 6.31
Bulgaria ¹	6. 3.25	New Zealand	26.11.59
Burma	20.11.22	Nicaragua ¹	12. 4.34
Byelorussian SSR ¹	6.11.56	Nigeria	17.10.60
United Republic of Cameroon	3. 9.62	Norway ¹	7.10.27
Canada	31. 3.26	Pakistan	20.11.22
Chile	18.10.35	Panama	19. 6.70
China	2.12.36	Poland ¹	21. 6.24
Colombia	20. 6.33	Romania ¹	18. 8.23
Cuba ¹	7. 7.28	Saint Lucia	14. 5.80
Cyprus	23. 9.60	Seychelles	6. 2.78
Democratic Yemen	14. 4.69	Sierra Leone	13. 6.61
Denmark	12. 5.24	Singapore	25.10.65
Djibouti	3. 8.78	Spain ¹	20. 6.24
Finland ¹	10.10.25	Sri Lanka	25. 4.51
France	16. 1.28	Sweden	14. 7.25
Federal Republic of Germany	11. 6.29	Switzerland	21. 4.60
Ghana	20. 5.57	Tanzania:	
Greece	14. 6.30	Tanganyika	30. 1.62
Grenada	9. 7.79	Zanzibar	22. 6.64
Guyana	8. 6.66	Trinidad and Tobago	24. 5.63
Hungary	1. 3.28	Turkey	29. 9.59
Iceland	21. 8.56	Ukrainian SSR ¹	14. 9.56
India	20.11.22	USSR ¹	10. 8.56
Iraq	19. 4.66	United Kingdom	8. 3.26
Ireland ¹	5. 7.30	Uruguay ¹	6. 6.33
Italy ¹	8. 9.24	Yugoslavia	1. 4.27
Jamaica	26.12.62		
Japan	4.12.30		
Kenya ¹	13. 1.64		
Lebanon	1. 6.77		
Luxembourg ¹	16. 4.28		
Malaysia:			
Sabah	3. 3.64		
Sarawak	3. 3.64		
Malta	4. 1.65		

¹Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

16. MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Luxembourg	16. 4.28
Argentina	26. 5.36	Malaysia:	
Australia	28. 6.35	Sabah	3. 3.64
Bangladesh	22. 6.72	Sarawak	3. 3.64
Belgium	19. 7.26	Malta	4. 1.65
Brazil	8. 6.36	Mauritius	2.12.69
Bulgaria	6. 3.25	Mexico	9. 3.38
Burma	20.11.22	Netherlands	9. 3.28
Byelorussian SSR	6.11.56	New Zealand	5.12.61
United Republic of Cameroon	3. 9.62	Nicaragua	12. 4.34
Canada	31. 3.26	Nigeria	17.10.60
Chile	18.10.35	Norway	5.12.80
China	2.12.36	Pakistan	20.11.22
Colombia	20. 6.33	Panama	19. 6.70
Cuba	7. 7.28	Poland	21. 6.24
Cyprus	23. 9.60	Romania	18. 8.23
Democratic Yemen	14. 4.69	Saint Lucia	14. 5.80
Denmark	23. 4.38	Seychelles	6. 2.78
Djibouti	3. 8.78	Sierra Leone	13. 6.61
Finland	10.10.25	Singapore	25.10.65
France	22. 3.28	Somalia	18.11.60
German Democratic Republic	1. 1.74	Spain	20. 6.24
Federal Republic of Germany	11. 6.29	Sri Lanka	25. 4.51
Ghana	20. 5.57	Sweden	14. 7.25
Greece	28. 6.30	Switzerland	21. 4.60
Grenada	9. 7.79	Tanzania:	
Guinea	12.12.66	Tanganyika	30. 1.62
Hungary	1. 3.28	Zanzibar	22. 6.64
India	20.11.22	Trinidad and Tobago	24. 5.63
Iraq	19. 4.66	Tunisia	14. 4.70
Ireland	5. 7.30	Ukrainian SSR	14. 9.56
Italy	8. 9.24	USSR	10. 8.56
Jamaica	26.12.62	United Kingdom	8. 3.26
Japan	7. 6.24	Uruguay	6. 6.33
Kenya	9. 2.71	Yugoslavia	1. 4.27

RATIFIED CONVENTIONS

17. WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

This Convention came into force on 1 April 1927

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritania	8.11.63
Angola	4. 6.76	Mauritius	2.12.69
Argentina	14. 3.50	Mexico	12. 5.34
Austria	21. 8.36	Morocco	20. 9.56
Bahamas	25. 5.76	Mozambique	6. 6.77
Barbados	8. 5.67	Netherlands	13. 9.27
Belgium	3.10.27	New Zealand	29. 3.38
Bolivia	15.11.73	Nicaragua	12. 4.34
Bulgaria	5. 9.29	Panama	3. 6.58
Burma	16. 2.56	Philippines	17.11.60
Burundi	11. 3.63	Poland	3.11.37
Cape Verde	3. 4.79	Portugal	27. 3.29
Central African Republic ...	9. 6.64	Rwanda	18. 9.62
Chile	8.10.31	Saint Lucia	14. 5.80
Colombia	20. 6.33	Sao Tomé and Príncipe	1. 6.82
Comoros	23.10.78	Sierra Leone	13. 6.61
Cuba	6. 8.28	Somalia	18.11.60
Czechoslovakia	12. 6.50	Spain	22. 2.29
Djibouti	3. 8.78	Suriname	15. 6.76
Egypt	10. 5.60	Sweden ¹	8. 9.26
Finland	20. 1.50	Syrian Arab Republic	10. 5.60
France	17. 5.48	Tanzania:	
Federal Republic of Germany	14. 6.55	Tanganyika	30. 1.62
Greece	13. 6.52	Zanzibar	22. 6.64
Guinea	12.12.66	Tunisia	15. 5.57
Guinea-Bissau	21. 2.77	Uganda	4. 6.63
Haiti	19. 4.55	United Kingdom	28. 6.49
Hungary	19. 4.28	Upper Volta	30. 6.69
Iraq	5. 7.60	Uruguay ¹	6. 6.33
Kenya	13. 1.64	Yugoslavia	1. 4.27
Lebanon	1. 6.77	Zaire	20. 9.60
Luxembourg	16. 4.28	Zambia	2.12.64
Malaysia:			
Peninsular Malaysia	11.11.57		
Mali	12. 7.68		

¹Has denounced this Convention and has ratified Convention No. 121.

RATIFIED CONVENTIONS

18. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925

This Convention came into force on 1 April 1927

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mali	22. 9.60
Angola	4. 6.76	Mauritania	20. 6.61
Argentina	24. 9.56	Morocco	20. 9.56
Australia	22. 4.59	Mozambique	6. 6.77
Austria	29. 9.28	Netherlands ¹	1.11.28
Bangladesh	22. 6.72	Nicaragua	12. 4.34
Belgium	3.10.27	Niger	27. 2.61
Benin	12.12.60	Norway	11. 6.29
Bulgaria	5. 9.29	Pakistan	30. 9.27
Burma	30. 9.27	Papua New Guinea	1. 5.76
Burundi	11. 3.63	Poland	3.11.37
Central African Republic ...	9. 6.64	Portugal	27. 3.29
Chile	31. 5.33	Rwanda	18. 9.62
Colombia	20. 6.33	Sao Tomé and Principe	1. 6.82
Comoros	23.10.78	Senegal ¹	4.11.60
Cuba	6. 8.28	Spain	29. 9.32
Czechoslovakia	19. 9.32	Sri Lanka	17. 5.52
Denmark	18. 6.34	Sweden ¹	15.10.29
Djibouti	3. 8.78	Switzerland	16.11.27
Egypt	10. 5.60	Syrian Arab Republic	10. 5.60
Finland	17. 9.27	Tunisia	12. 1.59
France	13. 8.31	United Kingdom ²	6.10.26
Federal Republic of Germany	18. 9.28	Upper Volta	21.11.60
Guinea	21. 1.59	Uruguay ¹	6. 6.33
Guinea-Bissau	21. 2.77	Yugoslavia	1. 4.27
Hungary	19. 4.28	Zaire	20. 9.60
India	30. 9.27	Zambia	22. 2.65
Iraq	26.11.38		
Ireland ¹	25.11.27		
Italy	22. 1.34		
Ivory Coast	21.11.60		
Japan	8.10.28		
Luxembourg	16. 4.28		

¹Has denounced this Convention and has ratified Convention No. 121.

²Has denounced this Convention and has ratified Convention No. 42.

RATIFIED CONVENTIONS

19. EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

This Convention came into force on 8 September 1926

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Lesotho	31.10.66
Angola	4. 6.76	Luxembourg	16. 4.28
Argentina	14. 3.50	Madagascar	10. 8.62
Australia	12. 6.59	Malawi	22. 3.65
Austria	29. 9.28	Malaysia:	
Bahamas	25. 5.76	Peninsular Malaysia	11.11.57
Bangladesh	22. 6.72	Sarawak	3. 3.64
Barbados	8. 5.67	Mali	17. 8.64
Belgium	3.10.27	Malta	4. 1.65
Bolivia	19. 7.54	Mauritania	8.11.63
Brazil	25. 4.57	Mauritius	2.12.69
Bulgaria	5. 9.29	Mexico	12. 5.34
Burma	30. 9.27	Morocco	13. 6.56
Burundi	11. 3.63	Netherlands	13. 9.27
United Republic of Cameroon	3. 9.62	Nicaragua	12. 4.34
Central African Republic ...	9. 6.64	Nigeria	17.10.60
Chile	8.10.31	Norway	11. 6.29
China	27. 4.34	Pakistan	30. 9.27
Colombia	20. 6.33	Panama	19. 6.70
Comoros	23.10.78	Papua New Guinea	1. 5.76
Cuba	6. 8.28	Peru	8.11.45
Cyprus	23. 9.60	Poland	28. 2.28
Czechoslovakia	8. 2.27	Portugal	27. 3.29
Democratic Yemen	14. 4.69	Rwanda	18. 9.62
Denmark	31. 3.28	Saint Lucia	14. 5.80
Djibouti	3. 8.78	Sao Tomé and Príncipe	1. 6.82
Dominican Republic	5.12.56	Senegal	22.10.62
Egypt	29.11.48	Sierra Leone	13. 6.61
Fiji	19. 4.74	Singapore	25.10.65
Finland	17. 9.27	Somalia	18.11.60
France	4. 4.28	South Africa	30. 3.26
Gabon	13. 6.61	Spain	22. 2.29
Federal Republic of Germany	18. 9.28	Sudan	18. 6.57
Ghana	20. 5.57	Suriname	15. 6.76
Greece	30. 5.36	Swaziland	26. 4.78
Grenada	9. 7.79	Sweden	8. 9.26
Guatemala	2. 8.61	Switzerland	1. 2.29
Guinea-Bissau	21. 2.77	Syrian Arab Republic	26. 7.60
Guyana	8. 6.66	Tanzania:	
Haiti	19. 4.55	Tanganyika	30. 1.62
Hungary	19. 4.28	Zanzibar	22. 6.64
India	30. 9.27	Thailand	5. 4.68
Indonesia	12. 6.50	Trinidad and Tobago	24. 5.63
Iran	10. 6.72	Tunisia	12. 6.56
Iraq	30. 4.40	Uganda	4. 6.63
Ireland	5. 7.30	United Kingdom	6.10.26
Israel	5. 5.58	Upper Volta	30. 6.69
Italy	15. 3.28	Uruguay	6. 6.33
Ivory Coast	5. 5.61	Venezuela	20.11.44
Jamaica	26.12.62	Yugoslavia	1. 4.27
Japan	8.10.28	Zaire	20. 9.60
Kenya	13. 1.64	Zambia	2.12.64
Lebanon	1. 6.77	Zimbabwe	6. 6.80

RATIFIED CONVENTIONS

20. NIGHT WORK (BAKERIES) CONVENTION, 1925

This Convention came into force on 26 May 1928

States	Ratification registered on	States	Ratification registered on
Argentina ¹	17. 2.55	Luxembourg	16. 4.28
Bolivia	15.11.73	Nicaragua ¹	12. 4.34
Bulgaria	5. 9.29	Panama	19. 6.70
Chile	31. 5.33	Peru	4. 4.62
Colombia	20. 6.33	Spain	29. 8.32
Cuba	6. 8.28	Sweden ¹	5. 1.40
Finland	26. 5.28	Uruguay ¹	6. 6.33
Ireland ¹	15. 3.37		
Israel	26. 7.51		

¹Has denounced this Convention.

21. INSPECTION OF EMIGRANTS CONVENTION, 1926

This Convention came into force on 29 December 1927

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	India	14. 1.28
Argentina	14. 3.50	Ireland	5. 7.30
Australia	18. 4.31	Japan	8.10.28
Austria	29.12.27	Luxembourg	16. 4.28
Bangladesh	22. 6.72	Mexico	9. 3.38
Belgium	15. 2.28	Netherlands	13. 9.27
Brazil	18. 6.65	New Zealand ¹	29. 3.38
Bulgaria	29.11.29	Nicaragua	12. 4.34
Burma	14. 1.28	Norway	28. 1.57
Colombia	20. 6.33	Pakistan	14. 1.28
Cuba	7. 9.54	Panama	19. 6.70
Czechoslovakia	25. 5.28	Sweden	28. 1.57
Denmark	18. 5.55	United Kingdom ²	16. 9.27
Finland	5. 4.29	Uruguay	6. 6.33
France ¹	13. 1.32	Venezuela	20.11.44
Hungary	3. 2.31		

¹Has denounced this Convention.

²Conditional ratification.

RATIFIED CONVENTIONS

22. SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926

This Convention came into force on 4 April 1928

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Japan	22. 8.55
Australia	1. 4.35	Liberia	21. 6.77
Bahamas	25. 5.76	Luxembourg	16. 4.28
Bangladesh	22. 6.72	Malta	4. 1.65
Barbados	8. 5.67	Mauritania	8.11.63
Belgium	3.10.27	Mexico	12. 5.34
Brazil	18. 6.65	Morocco	14. 3.58
Bulgaria	29.11.29	Netherlands	15.12.37
Burma	31.10.32	New Zealand	29. 3.38
Canada	30. 6.38	Nicaragua	12. 4.34
Chile	18.10.35	Norway	29. 3.40
China	2.12.36	Pakistan	31.10.32
Colombia	20. 6.33	Panama	19. 6.70
Cuba	7. 7.28	Papua New Guinea	1. 5.76
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Poland	8. 8.31
Finland	8. 4.47	Sierra Leone	15. 6.61
France	4. 4.28	Singapore	25.10.65
Federal Republic of Germany	20. 9.30	Somalia	18.11.60
Ghana	18. 3.65	Spain	23. 2.31
India	31.10.32	Tunisia	14. 4.70
Iraq	4.10.66	United Kingdom	14. 6.29
Ireland	5. 7.30	Uruguay	6. 6.33
Italy	10.10.29	Venezuela	20.11.44
		Yugoslavia	30. 9.29

23. REPATRIATION OF SEAMEN CONVENTION, 1926

This Convention came into force on 16 April 1928

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Luxembourg	16. 4.28
Belgium	3.10.27	Mauritania	8.11.63
Bulgaria	29.11.29	Mexico	12. 5.34
China	2.12.36	Netherlands	5. 5.48
Colombia	20. 6.33	New Zealand	11. 1.80
Cuba	7. 7.28	Nicaragua	12. 4.34
Djibouti	3. 8.78	Panama	19. 6.70
Egypt	4. 8.82	Peru	4. 4.62
France	4. 3.29	Philippines	17.11.60
German Democratic Republic	1. 1.74	Poland	8. 8.31
Federal Republic of Germany	14. 3.30	Somalia	18.11.60
Ghana	18. 3.65	Spain	23. 2.31
Greece	6. 5.81	Switzerland	21. 4.60
Iraq	23. 9.76	Tunisia	14. 4.70
Ireland	5. 7.30	Ukrainian SSR	17. 6.70
Italy	10.10.29	USSR	4.11.69
Liberia	21. 6.77	Uruguay	6. 6.33
		Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

24. SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927

This Convention came into force on 15 July 1928

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Netherlands	15.11.65
Austria	18. 2.29	Nicaragua	12. 4.34
Austria	18. 2.29	Norway	29. 5.61
Bulgaria	1.11.30	Peru	8.11.45
Chile	8.10.31	Poland	29. 9.48
Colombia	20. 6.33	Romania	28. 6.29
Czechoslovakia ¹	17. 1.29	Spain	29. 9.32
Djibouti	3. 8.78	United Kingdom	20. 2.31
Ecuador	5. 2.62	Uruguay ¹	6. 6.33
France	17. 5.48	Yugoslavia	30. 9.29
Germany, Federal Republic of	23. 1.28		
Haiti	19. 4.55		
Hungary	19. 4.28		
Luxembourg	16. 4.28		

¹Has denounced this Convention and has ratified Convention No. 130.

25. SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927

This Convention came into force on 15 July 1928

States	Ratification registered on	States	Ratification registered on
Austria	18. 2.29	Norway	29. 5.61
Bulgaria	1.11.30	Peru	1. 2.60
Chile	8.10.31	Poland	29. 9.48
Colombia	20. 6.33	Spain	29. 9.32
Czechoslovakia ¹	17. 1.29	United Kingdom	20. 2.31
Federal Republic of Germany	23. 1.28	Uruguay ¹	6. 6.33
Haiti	19. 4.55	Yugoslavia	21. 5.52
Luxembourg	16. 4.28		
Netherlands	15.11.65		
Nicaragua	12. 4.34		

¹Has denounced this Convention and has ratified Convention No. 130.

RATIFIED CONVENTIONS

26. MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928

This Convention came into force on 14 June 1930

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Lesotho	31.10.66
Argentina	14. 3.50	Libyan Arab Jamahiriya	27. 5.71
Australia	9. 3.31	Luxembourg	3. 3.58
Austria	15. 3.74	Madagascar	1.11.60
Bahamas	25. 5.76	Malawi	22. 3.65
Barbados	8. 5.67	Mali	22. 9.60
Belgium	11. 8.37	Malta	4. 1.65
Benin	12.12.60	Mauritania	20. 6.61
Bolivia	19. 7.54	Mauritius	2.12.69
Brazil	25. 4.57	Mexico	12. 5.34
Bulgaria	4. 6.35	Morocco	14. 3.58
Burma	21. 5.54	Netherlands	10.11.36
Burundi	11. 3.63	New Zealand	29. 3.38
United Republic of Cameroon	7. 6.60	Nicaragua	12. 4.34
Canada	25. 4.35	Niger	27. 2.61
Central African Republic ...	27.10.60	Nigeria	16. 6.61
Chad	10.11.60	Norway	7. 7.33
Chile	31. 5.33	Panama	19. 6.70
China	5. 5.30	Papua New Guinea	1. 5.76
Colombia	20. 6.33	Paraguay	24. 6.64
Comoros	23.10.78	Peru	4. 4.62
Congo	10.11.60	Portugal	10.11.59
Costa Rica	16. 3.72	Rwanda	18. 9.62
Cuba	24. 2.36	Saint Lucia	14. 5.80
Czechoslovakia	12. 6.50	Senegal	4.11.60
Djibouti	3. 8.78	Seychelles	6. 2.78
Dominican Republic	5.12.56	Sierra Leone	15. 6.61
Ecuador	6. 7.54	South Africa	28.12.32
Egypt	10. 5.60	Spain	8. 4.30
Fiji	19. 4.74	Sri Lanka	9. 6.71
France	18. 9.30	Sudan	18. 6.57
Gabon	14.10.60	Swaziland	26. 4.78
Federal Republic of Germany	30. 5.29	Switzerland	7. 5.47
Ghana	2. 7.59	Syrian Arab Republic	10. 5.60
Grenada	9. 7.79	Tanzania:	
Guatemala	4. 5.61	Tanganyika	19.11.62
Guinea	21. 1.59	Zanzibar	22. 6.64
Guinea-Bissau	21. 2.77	Togo	7. 6.60
Guyana	8. 6.66	Tunisia	15. 5.57
Hungary	30. 7.32	Turkey	29. 1.75
India	10. 1.55	Uganda	4. 6.63
Iraq	26.11.62	United Kingdom	14. 6.29
Ireland	3. 6.30	Upper Volta	21.11.60
Italy	9. 9.30	Uruguay	6. 6.33
Ivory Coast	21.11.60	Venezuela	20.11.44
Jamaica	8. 7.63	Viet Nam	14. 6.55
Japan	29. 4.71	Zaire	20. 9.60
Kenya	13. 1.64	Zambia	2.12.64
Lebanon	26. 7.62		

RATIFIED CONVENTIONS

27. MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

This Convention came into force on 9 March 1932

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Japan	16. 3.31
Argentina	14. 3.50	Kenya	9. 2.71
Australia	9. 3.31	Luxembourg	1. 4.31
Austria	16. 8.35	Mexico	12. 5.34
Bangladesh	22. 6.72	Morocco	20. 9.56
Belgium	6. 6.34	Netherlands	4. 1.33
Bulgaria	4. 6.35	Nicaragua	12. 4.34
Burma	7. 9.31	Norway	1. 7.32
Burundi	11. 3.63	Pakistan	7. 9.31
Byelorussian SSR	11. 3.70	Panama	19. 6.70
Canada	30. 6.38	Papua New Guinea	1. 5.76
Chile	31. 5.33	Peru	4. 4.62
China	24. 6.31	Poland	18. 6.32
Cuba	7. 9.54	Portugal	1. 3.32
Czechoslovakia	26. 3.34	Romania	7.12.32
Denmark	1.10.81	South Africa ¹	21. 2.33
Finland	8. 8.32	Spain	29. 8.32
France	29. 7.35	Suriname	15. 6.76
German Democratic Republic ..	1. 1.74	Sweden	11. 4.32
Federal Republic of Germany ..	5. 7.33	Switzerland	8.11.34
Greece	30. 5.36	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Honduras	9. 6.80	Uruguay	6. 6.33
Hungary	6.12.37	Venezuela	17.12.32
India	7. 9.31	Viet Nam	6. 6.53
Indonesia	12. 6.50	Yugoslavia	22. 4.33
Iraq	21.11.66	Zaire	20. 9.60
Ireland	5. 7.30		
Italy	18. 7.33		

¹Conditional ratification.

28. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION, 1929

This Convention came into force on 1 April 1932

States	Ratification registered on
Ireland ¹	5. 7.30
Luxembourg	1. 4.31
Nicaragua	12. 4.34
Spain ¹	29. 8.32

¹Convention denounced as a result
of the ratification of Convention
No. 32.

RATIFIED CONVENTIONS

29. FORCED LABOUR CONVENTION, 1930

This Convention came into force on 1 May 1932

States	Ratification registered on	States	Ratification registered on
Albania	25. 6.57	Japan	21.11.32
Algeria	19.10.62	Jordan	6. 6.66
Angola	4. 6.76	Kampuchea, Democratic	24. 2.69
Argentina	14. 3.50	Kenya	13. 1.64
Australia	2. 1.32	Kuwait	23. 9.68
Austria	7. 6.60	Lao Republic	23. 1.64
Bahamas	25. 5.76	Lebanon	1. 6.77
Bahrain	11. 6.81	Lesotho	31.10.66
Bangladesh	22. 6.72	Liberia	1. 5.31
Barbados	8. 6.67	Libyan Arab Jamahiriya	13. 6.61
Belgium	20. 1.44	Luxembourg	24. 7.64
Benin	12.12.60	Madagascar	1.11.60
Brazil	25. 4.57	Malaysia:	
Bulgaria	22. 9.32	Peninsular Malaysia	11.11.57
Burma	4. 3.55	Sabah	3. 3.64
Burundi	11. 3.63	Sarawak	3. 3.64
Byelorussian SSR	21. 8.56	Mali	22. 9.60
United Republic of Cameroon	7. 6.60	Malta	4. 1.65
Cape Verde	3. 4.79	Mauritania	20. 6.61
Central African Republic	27.10.60	Mauritius	2.12.69
Chad	10.11.60	Mexico	12. 5.34
Chile	31. 5.33	Morocco	20. 5.57
Colombia	4. 3.69	Netherlands	31. 3.33
Comoros	23.10.78	New Zealand	29. 3.38
Congo	10.11.60	Nicaragua	12. 4.34
Costa Rica	2. 6.60	Niger	27. 2.61
Cuba	20. 7.53	Nigeria	17.10.60
Cyprus	23. 9.60	Norway	1. 7.32
Czechoslovakia	30.10.57	Pakistan	23.12.57
Democratic Yemen	14. 4.69	Panama	16. 5.66
Denmark	11. 2.32	Papua New Guinea	1. 5.76
Djibouti	3. 8.78	Paraguay	28. 8.67
Dominican Republic	5.12.56	Peru	1. 2.60
Ecuador	6. 7.54	Poland	30. 7.58
Egypt	29.11.55	Portugal	26. 6.56
Fiji	19. 4.74	Romania	28. 5.57
Finland	13. 1.36	Saint Lucia	14. 5.80
France	24. 6.37	Saudi Arabia	15. 6.78
Gabon	14.10.60	Senegal	4.11.60
Federal Republic of Germany	13. 6.56	Seychelles	6. 2.78
Ghana	20. 5.57	Sierra Leone	13. 6.61
Greece	13. 6.52	Singapore	25.10.65
Grenada	9. 7.79	Somalia	18.11.60
Guinea	21. 1.59	Spain	29. 8.32
Guinea-Bissau	21. 2.77	Sri Lanka	5. 4.50
Guyana	8. 6.66	Sudan	18. 6.57
Haiti	4. 3.58	Suriname	15. 6.76
Honduras	21. 2.57	Swaziland	26. 4.78
Hungary	8. 6.56	Sweden	22.12.31
Iceland	17. 2.58	Switzerland	23. 5.40
India	30.11.54	Syrian Arab Republic	26. 7.60
Indonesia	12. 6.50	Tanzania:	
Iran	10. 6.57	Tanganyika	30. 1.62
Iraq	27.11.62	Zanzibar	22. 6.64
Ireland	2. 3.31	Thailand	26. 2.69
Israel	7. 6.55	Togo	7. 6.60
Italy	18. 6.34	Trinidad and Tobago	24. 5.63
Ivory Coast	21.11.60	Tunisia	17.12.62
Jamaica	26.12.62	Uganda	4. 6.63

RATIFIED CONVENTIONS

29. FORCED LABOUR CONVENTION, 1930 (continued)

States	Ratification registered on	States	Ratification registered on
Ukrainian SSR	10. 8.56	Viet Nam	6. 6.53
USSR	23. 6.56	Yemen	29. 7.76
United Arab Emirates	27. 5.82	Yugoslavia	4. 3.33
United Kingdom	3. 6.31	Zaire	20. 9.60
Upper Volta	21.11.60	Zambia	2.12.64
Venezuela	20.11.44	Zimbabwe	6. 6.80

30. HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930

This Convention came into force on 29 August 1933

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Luxembourg	3. 3.58
Austria ¹	16. 2.33	Mexico	12. 5.34
Bolivia	15.11.73	Morocco	22. 7.74
Bulgaria	22. 6.32	Mozambique	6. 6.77
Chile	18.10.35	New Zealand	29. 3.38
Colombia	4. 3.69	Nicaragua	12. 4.34
Cuba	24. 2.36	Norway	29. 6.53
Egypt	10. 5.60	Panama	16. 2.59
Finland	13. 1.36	Paraguay	21. 3.66
Ghana	19. 6.73	Saudi Arabia	15. 6.78
Guatemala	4. 8.61	Spain	29. 8.32
Haiti	31. 3.52	Syrian Arab Republic	10. 5.60
Iraq	26.11.62	Uruguay	6. 6.33
Israel	26. 6.51		
Kuwait	21. 9.61		
Lebanon	1. 6.77		

¹Conditional ratification.

31. HOURS OF WORK (COALMINES) CONVENTION, 1931

This Convention has not yet come into force

States	Ratification registered on
Argentina	24. 9.56
Spain	29. 8.32

RATIFIED CONVENTIONS

32. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932

This Convention came into force on 30 October 1934

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Netherlands	25. 8.64
Argentina	14. 3.50	New Zealand	29. 3.38
Bangladesh	22. 6.72	Nigeria	16. 6.61
Belgium	2. 7.52	Norway ¹	23. 6.56
Bulgaria	29.12.49	Pakistan	10. 2.47
Byelorussian SSR	11. 3.70	Panama	4. 6.71
Canada	6. 4.46	Peru	4. 4.62
Chile	18.10.35	Sierra Leone	15. 6.61
China	30.11.35	Singapore	25.10.65
Cuba ¹	7. 9.54	Spain ¹	28. 7.34
Denmark	22. 6.70	Sweden ¹	3. 8.38
Finland ¹	23. 8.49	Tanzania:	
France	27. 5.55	Tanganyika	19.11.62
Honduras	17.11.64	Ukrainian SSR	17. 6.70
India	10. 2.47	USSR	4.11.69
Ireland	13. 6.72	United Kingdom	10. 1.35
Italy	30.10.33	Uruguay	6. 6.33
Kenya	13. 1.64	Yugoslavia	6. 3.75
Malta	4. 1.65		
Mauritius	2.12.69		
Mexico ¹	12. 5.34		

¹Convention denounced as a result of the ratification of Convention No. 152.

33. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932

This Convention came into force on 6 June 1935

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Ivory Coast	21.11.60
Austria	26. 2.36	Madagascar	1.11.60
Belgium	6. 6.34	Mali	22. 9.60
Benin	12.12.60	Mauritania	20. 6.61
United Republic of Cameroon	7. 6.60	Netherlands ¹	12. 7.35
Central African Republic ...	27.10.60	Niger ¹	27. 2.61
Chad	10.11.60	Senegal	4.11.60
Comoros	23.10.78	Spain ¹	22. 6.34
Congo	10.11.60	Togo	7. 6.60
Cuba ¹	24. 2.36	Upper Volta	21.11.60
Djibouti	3. 8.78	Uruguay ¹	6. 6.33
France	29. 4.39		
Gabon	14.10.60		
Guinea	21. 1.59		

¹Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

34. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

This Convention came into force on 18 October 1936

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Spain ¹	27. 4.35
Bulgaria	29.12.49	Sweden ¹	1. 1.36
Chile	18.10.35	Turkey ¹	27.12.46
Czechoslovakia	12. 6.50		
Finland ¹	13. 1.36		
Mexico	21. 2.38		
Norway ¹	4. 7.49		

¹Convention denounced as a result of the ratification of Convention No. 96.

35. OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Peru	8.11.45
Bulgaria	29.12.49	Poland	29. 9.48
Chile	18.10.35	United Kingdom	18. 7.36
Czechoslovakia	1. 7.49		
Djibouti	3. 8.78		
Ecuador ¹	5. 2.62		
France	23. 8.39		
Italy	22.10.47		
Malta	4. 1.65		

¹Convention denounced as a result of the ratification of Convention No. 128 (Part III).

36. OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Italy	22.10.47
Bulgaria	29.12.49	Malta	4. 1.65
Chile	18.10.35	Peru	1. 2.60
Czechoslovakia	1. 7.49	Poland	29. 9.48
Djibouti	3. 8.78	United Kingdom	18. 7.36
France	23. 8.39		

RATIFIED CONVENTIONS

37. INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Bulgaria	29.12.49	Peru	8.11.45
Chile	18.10.35	Poland	29 9.48
Czechoslovakia	1. 7.49	United Kingdom	18. 7.36
Djibouti	3. 8.78		
Ecuador ¹	5. 2.62		
France	23. 8.39		
Italy	22.10.47		

¹Convention denounced as a result of the ratification of Convention No. 128 (Part II).

38. INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Bulgaria	29.12.49	Italy	22.10.47
Chile	18.10.35	Peru	1. 2.60
Czechoslovakia	1. 7.49	Poland	29. 9.48
Djibouti	3. 8.78	United Kingdom	18. 7.36
France	23. 8.39		

39. SURVIVORS' INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 8 November 1946

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	1. 7.49
Ecuador ¹	5. 2.62
Italy	22.10.52
Peru	8.11.45
Poland	29. 9.48
United Kingdom	18. 7.36

¹Convention denounced as a result of the ratification of Convention No. 128 (Part IV).

RATIFIED CONVENTIONS

40. SURVIVORS' INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 29 September 1949

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	1. 7.49
Italy	22.10.52
Peru	1. 2.60
Poland	29. 9.48
United Kingdom	18. 7.36

41. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934

This Convention came into force on 22 November 1936

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Mauritania ¹	20. 6.61
Argentina	14. 3.50	Morocco	13. 6.56
Belgium ¹	4. 8.37	Netherlands ¹	9.12.35
Benin	12.12.60	New Zealand ¹	29. 3.38
Brazil ¹	8. 6.36	Niger	27. 2.61
Burma ²	22.11.35	Pakistan ¹	22.11.35
Central African Republic ...	27.10.60	Peru	8.11.45
Chad	10.11.60	Senegal ¹	4.11.60
Congo ¹	10.11.60	South Africa ¹	28. 5.35
Egypt ¹	11. 7.47	Sri Lanka ¹	2. 9.50
France ¹	25. 1.38	Suriname	15. 6.76
Gabon	14.10.60	Switzerland ¹	4. 6.36
Greece ¹	30. 5.36	Togo	7. 6.60
Guinea ¹	21. 1.59	United Kingdom ²	25. 1.37
Hungary ²	18.12.36	Upper Volta	21.11.60
India ¹	22.11.35	Venezuela	20.11.44
Iraq ¹	28. 3.38		
Ireland ¹	15. 3.37		
Ivory Coast	21.11.60		
Madagascar	1.11.60		
Mali	22. 9.60		

¹Convention denounced as a result of the ratification of Convention No. 89.

²Has denounced this Convention.

RATIFIED CONVENTIONS

42. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934

This Convention came into force on 17 June 1936

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Ireland ¹	15. 3.37
Argentina	14. 3.50	Italy	22.10.52
Australia	29. 4.59	Japan ¹	6. 6.36
Austria	26. 2.36	Luxembourg ¹	3. 3.58
Bahamas	25. 5.76	Malta	4. 1.65
Barbados	8. 5.67	Mauritius	2.12.69
Belgium ¹	3. 8.49	Mexico	20. 5.37
Bolivia	19. 7.54	Morocco	20. 5.57
Brazil	8. 6.36	Netherlands ¹	1. 9.39
Bulgaria	29.12.49	New Zealand	29. 3.38
Burma	17. 5.57	Norway	21. 5.35
Burundi	11. 3.63	Panama	16. 2.59
Comoros	23.10.78	Papua New Guinea	1. 5.76
Cuba	22.10.36	Poland	29. 9.48
Czechoslovakia	1. 7.49	Rwanda	18. 9.62
Denmark	22. 6.39	South Africa	26. 2.52
Finland ¹	20. 1.50	Spain	24. 6.58
France	17. 5.48	Suriname	15. 6.76
Federal Republic of Germany ¹	17. 6.55	Sweden ¹	24. 2.37
Greece	13. 6.52	Turkey	27.12.46
Guyana	8. 6.66	United Kingdom	29. 4.36
Haiti	19. 4.55	Uruguay ¹	18. 3.54
Honduras	17.11.64	Zaire ¹	20. 9.60
Hungary	17. 6.35		
India	13. 1.64		
Iraq	25. 7.41		

¹Convention denounced as a result of
the ratification of Convention No. 121.

43. SHEET-GLASS WORKS CONVENTION, 1934

This Convention came into force on 13 January 1938

States	Ratification registered on	States	Ratification registered on
Belgium	4. 8.37	Norway	21. 5.35
Bulgaria	29.12.49	Panama	19. 6.70
Czechoslovakia	19. 9.38	United Kingdom ¹	13. 1.37
Djibouti	3. 8.78	Uruguay	18. 3.54
France	5. 2.38		
Ireland	15. 5.39		
Mexico	9. 3.38		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

44. UNEMPLOYMENT PROVISION CONVENTION, 1934

This Convention came into force on 10 June 1938

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	New Zealand	29. 3.38
Bulgaria	29.12.49	Norway	20. 5.57
Cyprus	8.10.65	Peru	4. 4.62
Czechoslovakia ¹	12. 6.50	Spain	5. 5.71
Djibouti	3. 8.78	Switzerland	14. 6.39
France	21. 2.49	United Kingdom	29. 4.36
Ireland	10. 6.37		
Italy	22.10.52		
Netherlands	17. 1.66		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

45. UNDERGROUND WORK (WOMEN) CONVENTION, 1935

This Convention came into force on 30 May 1937

States	Ratification registered on	States	Ratification registered on
Afghanistan	14. 5.37	Lebanon	26. 7.62
Angola	4. 6.76	Lesotho	31.10.66
Argentina	14. 3.50	Luxembourg	3. 3.58
Australia	7.10.53	Malawi	22. 3.65
Austria	3. 7.37	Malaysia:	
Bahamas	25. 5.76	Peninsular Malaysia	11.11.57
Bangladesh	22. 6.72	Mexico	21. 2.38
Belgium	4. 8.37	Morocco	20. 9.56
Bolivia	15.11.73	Netherlands	20. 2.37
Brazil	22. 9.38	New Zealand	29. 3.38
Bulgaria	29.12.49	Nicaragua	1. 3.76
Byelorussian SSR	4. 8.61	Nigeria	17.10.60
United Republic of Cameroon	3. 9.62	Pakistan	25. 3.38
Canada ¹	16. 9.66	Panama	16. 2.59
Chile	16. 3.46	Papua New Guinea	1. 5.76
China	2.12.36	Peru	8.11.45
Costa Rica	22. 3.60	Poland	15. 6.57
Cuba	14. 4.36	Portugal	18.10.37
Cyprus	23. 9.60	Saudi Arabia	15. 6.78
Czechoslovakia	12. 6.50	Sierra Leone	13. 6.61
Djibouti	3. 8.78	Singapore	25.10.65
Dominican Republic	12. 8.57	Somalia	18.11.60
Ecuador	6. 7.54	South Africa	25. 6.36
Egypt	11. 7.47	Spain	24. 6.58
Fiji	19. 4.74	Sri Lanka	20.12.50
Finland	3. 3.38	Swaziland	5. 6.81
France	25. 1.38	Sweden ¹	11. 7.36
Gabon	13. 6.61	Switzerland	23. 5.40
German Democratic Republic	20. 8.75	Syrian Arab Republic	26. 7.60
Federal Republic of Germany	15.11.54	Tanzania:	
Ghana	20. 5.57	Tanganyika	30. 1.62
Greece	30. 5.36	Tunisia	15. 5.57
Guatemala	7. 3.60	Turkey	21. 4.38
Guinea	12.12.66	Uganda	4. 6.63
Guinea-Bissau	21. 2.77	Ukrainian SSR	4. 8.61
Guyana	8. 6.66	USSR	4. 5.61
Haiti	5. 4.60	United Kingdom	18. 7.36
Honduras	20. 6.60	Uruguay ¹	18. 3.54
Hungary	19.12.38	Venezuela	20.11.44
India	25. 3.38	Viet Nam	6. 6.53
Indonesia	12. 6.50	Yugoslavia	21. 5.52
Ireland	20. 8.36	Zambia	2.12.64
Italy	22.10.52	Zimbabwe	6. 6.80
Ivory Coast	5. 5.61		
Japan	11. 6.56		
Kenya	13. 1.64		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

46. HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935

This Convention has not yet come into force

States	Ratification registered on
Cuba	14. 4.36
Mexico	1. 9.39
Spain	30.11.71

47. FORTY-HOUR WEEK CONVENTION, 1935

This Convention came into force on 23 June 1957

States	Ratification registered on
Australia	22.10.70
Byelorussian SSR	21. 8.56
German Democratic Republic .	14. 7.77
New Zealand	29. 3.38
Norway	13. 3.79
Sweden	11. 8.82
Ukrainian SSR	10. 8.56
USSR	23. 6.56

48. MAINTENANCE OF MIGRANTS' PENSION RIGHTS CONVENTION, 1935

This Convention came into force on 10 August 1938

States	Ratification registered on
Czechoslovakia ¹	12. 6.50
Hungary	10. 8.37
Israel	16. 1.63
Italy	22.10.52
Netherlands	6.10.36
Poland ¹	21. 3.38
Spain	8. 7.37
Yugoslavia	4. 1.46

¹Has denounced this Convention.

RATIFIED CONVENTIONS

49. REDUCTION OF HOURS OF WORK (GLASS-BOTTLE WORKS) CONVENTION, 1935

This Convention came into force on 10 June 1938

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	19. 9.38
Djibouti	3. 8.78
France	25. 1.38
Ireland	10. 6.37
Mexico	21. 2.38
New Zealand	29. 3.38
Norway	21. 7.36

50. RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936

This Convention came into force on 8 September 1939

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Nigeria	17.10.60
Bahamas	25. 5.76	Norway	7. 7.37
Barbados	8. 5.67	Rwanda	18. 9.62
Belgium	26. 7.48	Saint Lucia	14. 5.80
Burundi	11. 3.63	Seychelles	6. 2.78
United Republic of Cameroon	3. 9.62	Sierra Leone	13. 6.61
Fiji	19. 4.74	Singapore	25.10.65
Ghana	20. 5.57	Somalia:	
Grenada	9. 7.79	ex-British Somaliland ¹ ...	18.11.60
Guyana	8. 6.66	Swaziland	26. 4.78
Jamaica	26.12.62	Tanzania:	
Japan	8. 9.38	Tanganyika	30. 1.62
Kenya	13. 1.64	Zanzibar	22. 6.64
Malawi	7. 6.66	Trinidad and Tobago	24. 5.63
Malaysia:		Uganda	4. 6.63
Peninsular Malaysia	11.11.57	United Kingdom	22. 5.39
Sabah	3. 3.64	Zaire	20. 9.60
Sarawak	3. 3.64	Zambia	2.12.64
Mauritius	2.12.69	Zimbabwe	6. 6.80
New Zealand	8. 7.47		

¹Has denounced this Convention

RATIFIED CONVENTIONS

52. HOLIDAYS WITH PAY CONVENTION, 1936

This Convention came into force on 22 September 1939

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Ivory Coast	5. 5.61
Argentina	14. 3.50	Kuwait	21. 9.61
Brazil	22. 9.38	Lebanon	26. 7.62
Bulgaria	29.12.49	Libyan Arab Jamahiriya	20. 6.62
Burma	21. 5.54	Madagascar ¹	10. 8.62
Burundi	30. 7.71	Mali	12. 7.68
Byelorussian SSR	6.11.56	Mauritania	8.11.63
United Republic of Cameroon ¹	25. 5.70	Mexico	9. 3.38
Central African Republic	9. 6.64	Morocco	20. 9.56
Chad	8. 6.61	New Zealand	10.11.50
Colombia	7. 6.63	Panama	3. 6.58
Comoros	23.10.78	Paraguay	21. 3.66
Cuba	20. 7.53	Peru	1. 2.60
Czechoslovakia	12. 6.50	Senegal	22.10.62
Denmark	22. 6.39	Spain ¹	5. 5.71
Djibouti	3. 8.78	Syrian Arab Republic	26. 7.60
Dominican Republic	5.12.56	Tunisia	15. 5.57
Egypt	3. 7.54	Ukrainian SSR	14. 9.56
Finland	23. 8.49	USSR	10. 8.56
France	23. 8.39	Upper Volta ¹	30. 6.69
Gabon	13. 6.61	Uruguay ¹	18. 3.54
Greece	13. 6.52	Viet Nam	6. 6.53
Guinea ¹	12.12.66	Yugoslavia ¹	26. 3.53
Hungary	8. 6.56		
Iraq ¹	12. 5.60		
Israel	22. 8.51		
Italy ¹	22.10.52		

¹Convention denounced as a result of the ratification of Convention No. 132.

53. OFFICEPS' COMPETENCY CERTIFICATES CONVENTION, 1936

This Convention came into force on 29 March 1939

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Liberia	9. 5.60
Belgium	11. 4.38	Libyan Arab Jamahiriya	15.11.74
Brazil	12.10.38	Mauritania	8.11.63
Bulgaria	29.12.49	Mexico	1. 9.39
China	10.12.64	New Zealand	29. 3.38
Cuba	5. 2.71	Norway	7. 7.37
Denmark	13. 7.38	Panama	19. 6.70
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	20. 5.39	Philippines	17.11.60
Finland	8. 4.47	Spain	5. 5.71
France	19. 6.47	Syrian Arab Republic	26. 7.60
Israel	19. 6.69	United States	29.10.38
Italy	22.10.52	Yugoslavia	26. 5.61

RATIFIED CONVENTIONS

54. HOLIDAYS WITH PAY (SEA) CONVENTION, 1936

This Convention has not come into force

States	Ratification registered on
Belgium ¹	11. 4.38
Bulgaria	29.12.49
France ¹	19. 6.47
Mexico	12. 6.42
United States	29.10.38
Uruguay	18. 3.54

¹Convention denounced as a result
of the ratification of Convention
No. 91.

55. SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936

This Convention came into force on 29 October 1939

States	Ratification registered on	States	Ratification registered on
Belgium	11. 4.38	Liberia	9. 5.60
Bulgaria	29.12.49	Mexico	15. 9.39
Djibouti	3. 8.78	Morocco	14. 3.58
Egypt	4. 8.82	Panama	4. 6.71
France	19. 6.47	Peru	4. 4.62
Greece	19. 6.68	Spain	30.11.71
Italy	22.10.52	Tunisia	14. 4.70
		United States	29.10.38

56. SICKNESS INSURANCE (SEA) CONVENTION, 1936

This Convention came into force on 9 December 1949

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Norway	6. 6.66
Belgium	3. 8.49	Panama	4. 6.71
Bulgaria	29.12.49	Peru	4. 4.62
Djibouti	3. 8.78	Spain	30.11.71
Egypt	4. 8.82	United Kingdom	30. 9.44
France	9.12.48	Yugoslavia	13.10.58
Federal Republic of Germany	12.12.56		

RATIFIED CONVENTIONS

57. HOURS OF WORK AND MANNING (SEA) CONVENTION, 1936

This Convention has not yet come into force

States	Ratification registered on
Australia	24. 9.38
Belgium	11. 4.38
Bulgaria	29.12.49
United States	29.10.38

58. MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

This Convention came into force on 11 April 1939

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Mexico	18. 7.52
Algeria	19.10.62	Netherlands ¹	8. 7.47
Argentina	17. 2.55	New Zealand	7. 6.46
Belgium	11. 4.38	Nigeria	16. 6.61
Brazil	12.10.38	Norway ¹	7. 7.37
Bulgaria ¹	29.12.49	Panama	19. 6.70
Byelorussian SSR ¹	6.11.56	Peru	4. 4.62
Canada	10. 9.51	Seychelles	6. 2.78
China	10.12.64	Sierra Leone	13. 6.61
Cuba ¹	20. 7.53	Spain ¹	5. 5.71
Democratic Yemen	14. 4.69	Sri Lanka	18. 5.59
Denmark	4. 6.55	Sweden	6. 1.39
Djibouti	3. 8.78	Switzerland	21. 4.60
Fiji	19. 4.74	Tanzania:	
France	9.12.48	Zanzibar	22. 6.64
Ghana	20. 5.57	Tunisia	14. 4.70
Greece	9.10.63	Turkey	29. 9.59
Grenada	9. 7.79	Ukrainian SSR ¹	14. 9.56
Guatemala	30.10.61	USSR ¹	10. 8.56
Iceland	21. 8.56	United States	29.10.38
Iraq	30.12.39	Uruguay ¹	18. 3.54
Italy ¹	22.10.52	Yugoslavia	5. 5.58
Jamaica	26.12.62		
Japan	22. 8.55		
Kenya ¹	13. 1.64		
Liberia	9. 5.60		
Mauritania	8.11.63		
Mauritius	2.12.69		

¹Convention denounced as a result
of the ratification of Convention
No. 138.

RATIFIED CONVENTIONS

59. MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

This Convention came into force on 21 February 1941

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Norway ¹	26. 8.38
Bangladesh	22. 6.72	Pakistan	26. 5.55
Bulgaria ¹	22. 7.60	Paraguay	21. 3.66
Burundi	30. 7.71	Peru	4. 4.62
Byelorussian SSR ¹	6.11.56	Philippines	17.11.60
China	21. 2.40	Romania ¹	6. 6.73
Cuba ¹	7. 9.54	Sierra Leone	15. 6.61
Democratic Yemen	14. 4.69	Spain ¹	5. 5.71
Fiji	19. 4.74	Swaziland	26. 4.78
Ghana	20. 5.57	Tanzania:	
Iraq	5. 7.60	Tanganyika	30. 1.62
Italy ¹	22.10.52	Zanzibar	22. 6.64
Kenya	13. 1.64	Tunisia	14. 4.70
Lebanon	1. 6.77	Ukrainian SSR ¹	14. 9.56
Libyan Arab Jamahiriya ¹	27. 5.71	USSR ¹	10. 8.56
Luxembourg ¹	3. 3.58	Uruguay ¹	18. 3.54
Mauritius	2.12.69		
Mongolia	3. 6.69		
New Zealand	8. 7.47		
Nigeria	16. 6.61		

¹Convention denounced as a result
of the ratification of Convention
No. 138.

60. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION (REVISED), 1937

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Bulgaria ¹	29.12.49	USSR ¹	10. 8.56
Byelorussian SSR ¹	6.11.56	Uruguay ¹	18. 3.54
Cuba ¹	7. 9.54		
Italy ¹	22.10.52		
Luxembourg ¹	3. 3.58		
New Zealand ²	8. 7.47		
Paraguay	21. 3.66		
Spain ¹	5. 5.71		
Ukrainian SSR ¹	14. 9.56		

¹Convention denounced as a result
of the ratification of Convention
No. 138.

²Has denounced this Convention.

RATIFIED CONVENTIONS

62. SAFETY PROVISIONS (BUILDING) CONVENTION, 1937

This Convention came into force on 4 July 1942

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Hungary	8. 6.56
Belgium	3.10.51	Ireland	13. 6.72
Bulgaria	29.12.49	Mauritania	8.11.63
Burundi	11. 3.63	Mexico	4. 7.41
Central African Republic ...	9. 6.64	Netherlands	2. 5.50
Colombia	4. 3.69	Peru	4. 4.62
Denmark	30.11.72	Poland	17. 4.50
Egypt	25. 3.82	Rwanda	18. 9.62
Finland	8. 4.47	Spain	24. 6.58
France	16.12.50	Suriname	15. 6.76
Federal Republic of Germany	14. 6.55	Switzerland	23. 5.40
Guatemala	9. 1.73	Tunisia	12. 1.59
Guinea	12.12.66	Uruguay	18. 3.54
Honduras	17.11.64	Zaire	20. 9.60

63. CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938

This Convention came into force on 22 June 1940

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	New Zealand ¹	18. 1.40
Australia	5. 9.39	Nicaragua	1.10.81
Austria ^{1,2}	26.11.58	Norway ³	29. 3.40
Barbados ³	8. 5.67	Panama ²	15. 7.71
Burma ^{2,3}	24.11.61	South Africa ^{1,2}	8. 8.39
Canada	6. 4.46	Spain	5. 5.71
Chile ³	10. 5.57	Sri Lanka ²	25. 8.52
Cuba	7. 9.54	Sweden ³	21. 6.39
Czechoslovakia	12. 6.50	Switzerland ^{2,3}	23. 5.40
Denmark ³	22. 6.39	Syrian Arab Republic ^{2,3}	26. 7.60
Djibouti	3. 8.78	Tanzania:	
Egypt ^{2,3}	5.10.40	Tanganyika ¹	19.11.62
Finland ³	3. 4.47	Zanzibar	22. 6.64
France	28. 6.51	United Kingdom	26. 5.47
Federal Republic of Germany	22. 6.54	Uruguay	18. 3.54
Guatemala	4. 8.61		
Ireland	9.10.46		
Kenya	13. 1.64		
Mauritius ¹	2.12.69		
Mexico	16. 7.42		
Netherlands	9. 3.40		

¹Excluding Part II.

²Excluding Part IV.

³Excluding Part III.

RATIFIED CONVENTIONS

64. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Nigeria	17.10.60
Belgium	26. 7.48	Panama	19. 6.70
Burundi	11. 3.63	Rwanda	18. 9.62
United Republic of Cameroon	3. 9.62	Saint Lucia	14. 5.80
Democratic Yemen	14. 4.69	Seychelles	6. 2.78
Fiji	19. 4.74	Sierra Leone	13. 6.61
Ghana	20. 5.57	Singapore	25.10.65
Grenada	9. 7.79	Somalia:	
Guyana	8. 6.66	ex-British Somaliland ¹ ...	18.11.60
Jamaica	26.12.62	Swaziland	26. 4.78
Kenya	13. 1.64	Tanzania:	
Lesotho	31.10.66	Tanganyika	30. 1.62
Malawi	7. 6.66	Zanzibar	22. 6.64
Malaysia:		Uganda	4. 6.63
Peninsular Malaysia	11.11.57	United Kingdom	24. 8.43
Sabah	3. 3.64	Zaire	20. 9.60
Sarawak	3. 3.64	Zambia	2.12.64
Mauritius	2.12.69		
New Zealand	8. 7.47		

¹Has denounced this Convention.

65. PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Morocco	27. 3.63
Barbados	8. 5.67	New Zealand	8. 7.47
United Republic of Cameroon	3. 9.62	Niger	23. 3.62
Democratic Yemen	14. 4.69	Nigeria	17.10.60
Fiji	19. 4.74	Panama	19. 6.70
Ghana	20. 5.57	Saint Lucia	14. 5.80
Grenada	9. 7.79	Seychelles	6. 2.78
Guatemala	4. 8.61	Sierra Leone	13. 6.61
Guyana	8. 6.66	Singapore	25.10.65
Jamaica	26.12.62	Somalia	18.11.60
Kenya	13. 1.64	Swaziland	26. 4.78
Lesotho	31.10.66	Tanzania:	
Liberia	25. 5.62	Tanganyika	30. 1.62
Malawi	22. 3.65	Zanzibar	22. 6.64
Malaysia:		Trinidad and Tobago	24. 5.63
Peninsular Malaysia	11.11.57	Tunisia	17.12.62
Sabah	3. 3.64	Uganda	4. 6.63
Sarawak	3. 3.64	United Kingdom	24. 8.43
Mauritius	2.12.69	Zambia	2.12.64

RATIFIED CONVENTIONS

67. HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1939

This Convention came into force on 18 March 1955

States	Ratification registered on
Central African Republic ...	9. 6.64
Cuba	20. 7.53
Peru	4. 4.62
Uruguay	18. 3.54

68. FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946

This Convention came into force on 24 March 1957

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	22.10.52
Angola	4. 6.76	Netherlands	17. 6.58
Argentina	24. 9.56	New Zealand	31. 5.77
Belgium	5.12.51	Norway	28. 1.57
Bulgaria	29.12.49	Panama	4. 6.71
Canada	19. 3.51	Peru	4. 4.62
Egypt	10. 8.82	Poland	13. 4.54
France	9.12.48	Portugal	13. 6.52
Greece	28. 8.81	Spain	14. 7.71
Guinea-Bissau	21. 2.77	United Kingdom	6. 8.53
Ireland	12. 6.56		

69. CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946

This Convention came into force on 22 April 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	29. 7.75
Angola	4. 6.76	Netherlands	23. 2.51
Belgium	5.12.51	New Zealand	11. 1.80
Bulgaria	29.12.49	Norway	6. 3.52
Canada	19. 3.51	Panama	4. 6.71
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Poland	13. 4.54
France	9.12.48	Portugal	13. 6.52
Ghana	18. 3.65	Spain	5. 5.71
Greece	9.10.63	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Ireland	16. 6.51	United Kingdom	29. 7.49
Italy	22.10.52	Yugoslavia	6. 3.61

RATIFIED CONVENTIONS

70. SOCIAL SECURITY (SEAFARERS) CONVENTION, 1946

This Convention has not yet come into force

States	Ratification registered on
Algeria	19.10.62
France	9.12.48
Netherlands	22.12.61
Peru	4. 4.62
Poland	8.10.56
Spain	8. 5.73
United Kingdom	20. 5.53

71. SEAFARERS' PENSIONS CONVENTION, 1946

This Convention came into force on 10 October 1962

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	10. 4.62
Argentina	17. 2.55	Netherlands	27. 8.57
Bulgaria	29.12.49	Norway	4. 7.49
Djibouti	3. 8.78	Panama	4. 6.71
Egypt	4. 8.82	Peru	4. 4.62
France	9.12.48		

72. PAID VACATIONS (SEAFARERS) CONVENTION, 1946

This Convention has not come into force

States	Ratification registered on
Algeria ¹	19.10.62
Bulgaria	29.12.49
Cuba ¹	13. 1.54
Finland ¹	23. 8.49
France ¹	9.12.48

¹Convention denounced as a result
of the ratification of Convention
No. 91.

RATIFIED CONVENTIONS

73. MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946

This Convention came into force on 17 August 1955

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	22.10.52
Angola	4. 6.76	Japan	22. 8.55
Argentina	17. 2.55	Netherlands	17. 6.58
Belgium	5.12.51	Norway	17. 2.55
Bulgaria	29.12.49	Panama	4. 6.71
Canada	19. 3.51	Peru	4. 4.62
China	10.12.64	Poland	13. 4.54
Denmark	28. 7.80	Portugal	13. 6.52
Djibouti	3. 8.78	Spain	14. 7.71
Egypt	10. 8.82	Sweden	9. 1.62
Finland	15. 5.56	Tunisia	14. 4.70
France	9.12.48	Ukrainian SSR	17. 6.70
Federal Republic of Germany	8.10.76	USSR	4.11.69
Greece	6. 5.81	Uruguay	18. 3.54
Guinea-Bissau	21. 2.77	Yugoslavia	25.11.66

74. CERTIFICATION OF ABLE SEAMEN CONVENTION, 1946

This Convention came into force on 14 July 1951

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritius	2.12.69
Angola	4. 6.76	Netherlands	14. 7.50
Barbados	8. 5.67	New Zealand	5.12.61
Belgium	5.12.51	Panama	4. 6.71
Canada	19. 3.51	Poland	13. 4.54
Egypt	30. 3.67	Portugal	13. 6.52
France	9.12.48	Spain	5. 5.71
Ghana	18. 3.65	United Kingdom	13. 5.52
Guinea-Bissau	21. 2.77	United States	9. 4.53
Ireland	21. 6.57	Yugoslavia	22.12.61
Italy	23. 6.81		

RATIFIED CONVENTIONS

75. ACCOMMODATION OF CREWS CONVENTION, 1946

This Convention has not come into force

States	Ratification registered on
Bulgaria	29.12.49
Finland ¹	23. 8.49
France ¹	9.12.48
Norway ¹	4. 7.49
Sweden ¹	21.10.47

¹Convention denounced as a result
of the ratification of Convention
No. 92.

76. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION, 1946

This Convention has not yet come into force

State	Ratification registered on
Australia	25. 1.49

77. MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Haiti	12. 4.57
Algeria	19.10.62	Hungary	8. 6.56
Argentina	17. 2.55	Iraq	13. 1.51
Belgium	10. 4.79	Israel	23.12.53
Bolivia	15.11.73	Italy	22.10.52
Bulgaria	29.12.49	Lebanon	1. 6.77
Byelorussian SSR	6.11.56	Luxembourg	3. 3.58
United Republic of Cameroon	25. 5.70	Nicaragua	1. 3.76
Comoros	23.10.78	Panama	15. 7.71
Cuba	13. 1.54	Paraguay	21. 3.66
Czechoslovakia	23. 4.80	Peru	4. 4.62
Djibouti	3. 8.78	Philippines	17.11.60
Dominican Republic	19. 6.73	Poland	11.12.47
Ecuador	18. 7.75	Spain	5. 5.71
France	28. 6.51	Tunisia	14. 4.70
German Democratic Republic .	19. 6.79	Ukrainian SSR	14. 9.56
Greece	28. 8.81	USSR	10. 8.56
Guatemala	13. 2.52	Uruguay	18. 3.54

RATIFIED CONVENTIONS

78. MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Honduras	20. 6.60
Algeria	19.10.62	Hungary	8. 6.56
Argentina	17. 2.55	Iraq	5. 7.60
Bolivia	15.11.73	Israel	23.12.53
Bulgaria	29.12.49	Italy	22.10.52
Byelorussian SSR	6.11.56	Lebanon	1. 6.77
United Republic of Cameroon	25. 5.70	Luxembourg	3. 3.58
Comoros	23.10.78	Nicaragua	1. 3.76
Cuba	7. 9.54	Panama	19. 6.70
Czechoslovakia	23. 4.80	Paraguay	21. 3.66
Djibouti	3. 8.78	Peru	4. 4.62
Ecuador	26. 8.75	Poland	11.12.47
France	28. 6.51	Spain	5. 5.71
German Democratic Republic .	19. 6.79	Ukrainian SSR	14. 9.56
Greece	28. 8.81	USSR	10. 8.56
Guatemala	13. 2.52	Uruguay	18. 3.54
Haiti	12. 4.57		

79. NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Luxembourg	3. 3.58
Bulgaria	29.12.49	Paraguay	21. 3.66
Byelorussian SSR	6.11.56	Peru	4. 4.62
Cuba	7. 9.54	Poland	11.12.47
Dominican Republic	22. 9.53	Spain	5. 5.71
Guatemala	13. 2.52	Ukrainian SSR	14. 9.56
Israel	23.12.53	USSR	10. 8.56
Italy	22.10.52	Uruguay	18. 3.54

RATIFIED CONVENTIONS

80. FINAL ARTICLES REVISION CONVENTION, 1946

This Convention came into force on 28 May 1947

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	27. 5.54
Argentina	14. 3.50	Luxembourg	29.10.48
Australia	25. 1.49	Mexico	20. 4.48
Austria	31. 3.49	Morocco	20. 5.57
Bangladesh	22. 6.72	Netherlands	15. 1.48
Belgium	3. 8.49	New Zealand	8. 7.47
Brazil	13. 4.48	Norway	5. 1.49
Bulgaria	7.11.55	Pakistan	25. 3.48
Canada	31. 7.47	Panama	13. 5.54
Chile	3.11.49	Peru	4. 4.62
China	4. 8.47	Poland	11.12.47
Colombia	10. 6.47	South Africa	19. 6.47
Cuba	20. 7.53	Spain	24. 6.58
Czechoslovakia	12. 6.50	Sri Lanka	19. 9.50
Denmark	30. 6.49	Sweden	29. 5.47
Dominican Republic	29. 8.47	Switzerland	22. 4.47
Egypt	7. 6.49	Syrian Arab Republic	26. 7.60
Ethiopia	23. 7.47	Thailand	5.12.47
Finland	28. 6.47	Turkey	13. 7.49
France	20. 1.48	United Kingdom	28. 5.47
Greece	13. 6.52	United States	24. 6.48
Guatemala	1.10.47	Uruguay	18. 3.54
India	17.11.47	Venezuela	13. 9.48
Iraq	9. 9.47	Viet Nam	6. 6.53
Ireland	14. 6.47	Yugoslavia	21. 5.52
Italy	11.12.47		

RATIFIED CONVENTIONS

81. LABOUR INSPECTION CONVENTION, 1947

This Convention came into force on 7 April 1950

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Madagascar	21.12.71
Angola	4. 6.76	Malawi	22. 3.65
Argentina	17. 2.55	Malaysia:	
Australia ¹	24. 6.75	Peninsular Malaysia	1. 7.63
Austria	30. 4.49	Sabah	3. 3.64
Bahamas	25. 5.76	Sarawak	3. 3.64
Bahrain	11. 6.81	Mali	2. 3.64
Bangladesh	22. 6.72	Malta ¹	4. 1.65
Barbados ¹	8. 5.67	Mauritania	8.11.63
Belgium	5. 4.57	Mauritius	2.12.69
Bolivia	15.11.73	Morocco	14. 3.58
Brazil ²	25. 4.57	Mozambique	6. 6.77
Bulgaria	29.12.49	Netherlands	15. 9.51
Burundi	30. 7.71	New Zealand ¹	30.11.59
United Republic of Cameroon ¹	3. 9.62	Niger	9. 1.79
Cape Verde	16.10.79	Nigeria ¹	17.10.60
Central African Republic ...	9. 6.64	Norway	5. 1.49
Chad	30.11.65	Pakistan	10.10.53
China ¹	13. 2.62	Panama	3. 6.58
Colombia ¹	13.11.67	Paraguay	28. 8.67
Comoros	23.10.78	Peru	1. 2.60
Costa Rica	2. 6.60	Portugal	12. 2.62
Cuba	7. 9.54	Qatar	18. 8.76
Cyprus ¹	23. 9.60	Romania	6. 6.73
Denmark	6. 8.58	Rwanda	2.12.80
Djibouti	3. 8.78	Sao Tomé and Príncipe	1. 6.82
Dominican Republic	22. 9.53	Saudi Arabia	15. 6.78
Ecuador	26. 8.75	Senegal	22.10.62
Egypt	11.10.56	Sierra Leone ¹	13. 6.61
Finland	20. 1.50	Singapore	25.10.65
France	16.12.50	Spain	30. 5.60
Gabon	17. 7.72	Sri Lanka	3. 4.56
Federal Republic of Germany	14. 6.55	Sudan	22.10.70
Ghana	2. 7.59	Suriname	15. 6.76
Greece	16. 6.55	Swaziland	5. 6.81
Grenada ¹	9. 7.79	Sweden	25.11.49
Guatemala	13. 2.52	Switzerland	13. 7.49
Guinea	26. 3.59	Syrian Arab Republic	26. 7.60
Guinea-Bissau	21. 2.77	Tanzania:	
Guyana ¹	8. 6.66	Tanganyika ¹	30. 1.62
Haiti	31. 3.52	Tunisia	15. 5.57
India ¹	7. 4.49	Turkey	5. 3.51
Iraq	13. 1.51	Uganda ¹	4. 6.63
Ireland ¹	16. 6.51	United Arab Emirates	27. 5.82
Israel	7. 6.55	United Kingdom ¹	28. 6.49
Italy	22.10.52	Upper Volta	21. 5.74
Jamaica ¹	26.12.62	Uruguay	28. 6.73
Japan	20.10.53	Venezuela	21. 7.67
Jordan	27. 3.69	Viet Nam	6. 1.64
Kenya	13. 1.64	Yemen	29. 7.76
Kuwait	23.11.64	Yugoslavia	18. 8.55
Lebanon	26. 7.62	Zaire	19. 4.68
Libyan Arab Jamahiriya	27. 5.71		
Luxembourg	3. 3.58		

¹Excluding Part II.

²Has denounced this Convention.

RATIFIED CONVENTIONS

82. SOCIAL POLICY (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 19 June 1955

States	Ratification registered on
Belgium	27. 1.55
France	26. 7.54
New Zealand	19. 6.54
United Kingdom	27. 3.50

83. LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 15 June 1974

States	Ratification registered on
Australia	15. 6.73
United Kingdom	27. 3.50

84. RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 1 July 1953

States	Ratification registered on
Belgium	27. 1.55
France	26. 7.54
New Zealand	1. 7.52
United Kingdom	27. 3.50

85. LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 26 July 1955

States	Ratification registered on
Australia	30. 9.54
Belgium	27. 1.55
France	26. 7.54
Papua New Guinea	1. 5.76
United Kingdom	27. 3.50

RATIFIED CONVENTIONS

86. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1947

This Convention came into force on 13 February 1953

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.73	Mauritius	2.12.69
Bahamas	25. 5.76	Panama	19. 6.70
Barbados	8. 5.67	Sierra Leone	13. 6.61
Democratic Yemen	14. 4.69	Singapore	25.10.65
Ecuador	3.10.69	Swaziland	26. 4.78
Fiji	19. 4.74	Tanzania:	
Grenada	9. 7.79	Tanganyika	30. 1.62
Guatemala	13. 2.52	Zanzibar	22. 6.64
Guyana	8. 6.66	Uganda	4. 6.63
Jamaica	26.12.62	United Kingdom	27. 3.50
Kenya	13. 1.64	Zambia	2.12.64
Malawi	22. 3.65	Zimbabwe	6. 6.80
Malaysia:			
Sabah	3. 3.64		
Sarawak	3. 3.64		

RATIFIED CONVENTIONS

87. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948

This Convention came into force on 4 July 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Ivory Coast	21.11.60
Algeria	19.10.62	Jamaica	26.12.62
Argentina	18. 1.60	Japan	14. 6.65
Australia	28. 2.73	Kuwait	21. 9.61
Austria	18.10.50	Lesotho	31.10.66
Bangladesh	22. 6.72	Liberia	25. 5.62
Barbados	8. 5.67	Luxembourg	3. 3.58
Belgium	23.10.51	Madagascar	1.11.60
Benin	12.12.60	Mali	22. 9.60
Bolivia	4. 1.65	Malta	4. 1.65
Bulgaria	8. 6.59	Mauritania	20. 6.61
Burma	4. 3.55	Mexico	1. 4.50
Byelorussian SSR	6.11.56	Mongolia	3. 6.69
United Republic of Cameroon	7. 6.60	Netherlands	7. 3.50
Canada	23. 3.72	Nicaragua	31.10.67
Central African Republic ...	27.10.60	Niger	27. 2.61
Chad	10.11.60	Nigeria	17.10.60
Colombia	16.11.76	Norway	4. 7.49
Comoros	23.10.78	Pakistan	14. 2.51
Congo	10.11.60	Panama	3. 6.58
Costa Rica	2. 6.60	Paraguay	28. 6.62
Cuba	25. 6.52	Peru	2. 3.60
Cyprus	24. 5.66	Philippines	29.12.53
Czechoslovakia	21. 1.64	Poland	25. 2.57
Denmark	13. 6.51	Portugal	14.10.77
Djibouti	3. 8.78	Romania	28. 5.57
Dominican Republic	5.12.56	Saint Lucia	14. 5.80
Ecuador	29. 5.67	Senegal	4.11.60
Egypt	6.11.57	Seychelles	6. 2.78
Ethiopia	4. 6.63	Sierra Leone	15. 6.61
Finland	20. 1.50	Spain	20. 4.77
France	28. 6.51	Suriname	15. 6.76
Gabor	14.10.60	Swaziland	26. 4.78
German Democratic Republic .	7. 5.75	Sweden	25.11.49
Federal Republic of Germany	20. 3.57	Switzerland	25. 3.75
Ghana	2. 6.65	Syrian Arab Republic	26. 7.60
Greece	30. 3.62	Togo	7. 6.60
Guatemala	13. 2.52	Trinidad and Tobago	24. 5.63
Guinea	21. 1.59	Tunisia	16. 6.57
Guyana	25. 9.67	Ukrainian SSR	14. 9.56
Haiti	5. 6.79	USSR	10. 8.56
Honduras	27. 6.56	United Kingdom	27. 6.49
Hungary	6. 6.57	Upper Volta	21.11.60
Iceland	19. 8.50	Uruguay	18. 3.54
Ireland	4. 6.55	Venezuela	20. 9.82
Israel	28. 1.57	Yemen	29. 7.76
Italy	13. 5.58	Yugoslavia	23. 7.58

RATIFIED CONVENTIONS

88. EMPLOYMENT SERVICE CONVENTION, 1948

This Convention came into force on 10 August 1950

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	20.10.53
Angola	4. 6.76	Kenya	13. 1.64
Argentina	24. 9.56	Lebanon	1. 6.77
Australia	24.12.49	Libyan Arab Jamahiriya	20. 6.62
Austria	25. 9.73	Luxembourg	3. 3.58
Bahamas	25. 5.76	Malaysia	6. 6.74
Belgium	16. 3.53	Malta	4. 1.65
Bolivia	31. 1.77	Mozambique	6. 6.77
Brazil	25. 4.57	Netherlands	7. 3.50
Bulgaria ¹	29.12.49	New Zealand	3.12.49
Canada	24. 8.50	Nicaragua	1.10.81
Central African Republic ...	9. 6.64	Nigeria	16. 6.61
Colombia	31.10.67	Norway	4. 7.48
Costa Rica	2. 6.60	Panama	19. 6.70
Cuba	29. 4.52	Peru	6. 4.62
Cyprus	23. 9.60	Philippines	29.12.53
Czechoslovakia	12. 6.50	Portugal	23. 6.72
Denmark	30.11.72	Romania	6. 6.73
Djibouti	3. 8.78	Sao Tomé and Príncipe	1. 6.82
Dominican Republic	22. 9.53	Sierra Leone	13. 6.61
Ecuador	26. 8.75	Singapore	25.10.65
Egypt	3. 7.54	Spain	30. 5.60
Ethiopia	4. 6.63	Suriname	15. 6.76
France	15.10.52	Sweden	25.11.49
Federal Republic of Germany	22. 6.54	Switzerland	19. 1.52
Ghana	4. 4.61	Syrian Arab Republic	26. 7.60
Greece	16. 6.55	Tanzania:	
Guatemala	13. 2.52	Tanganyika	30. 1.62
Guinea-Bissau	21. 2.77	Thailand	26. 2.69
India	24. 6.59	Tunisia	11.10.68
Iraq	22. 6.51	Turkey	14. 7.50
Ireland	29.10.69	United Kingdom ¹	10. 8.49
Israel	21. 8.59	Venezuela	16.11.64
Italy ¹	22.10.52	Yugoslavia	23. 7.58
		Zaire	16. 6.69

¹Has denounced this Convention.

RATIFIED CONVENTIONS

89. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

This Convention came into force on 27 February 1951

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Lebanon	26. 7.62
Angola	4. 6.76	Libyan Arab Jamahiriya	20. 6.62
Austria	5.10.50	Luxembourg ¹	3. 3.58
Bahrain	11. 6.81	Malawi	22. 3.65
Bangladesh	22. 6.72	Malta	4. 1.65
Belgium	1. 4.52	Mauritania	8.11.63
Bolivia	15.11.73	Netherlands ¹	22.10.54
Brazil	25. 4.57	New Zealand ¹	10.11.50
Burundi	11. 3.63	Pakistan	14. 2.51
United Republic of Cameroon	25. 5.70	Panama	19. 6.70
Comoros	23.10.78	Paraguay	21. 3.66
Congo	4. 6.71	Philippines	29.12.53
Costa Rica	2. 6.60	Portugal	2. 6.64
Cuba	29. 4.52	Romania	28. 5.57
Cyprus	8.10.65	Rwanda	18. 9.62
Czechoslovakia	12. 6.50	Saudi Arabia	15. 6.78
Djibouti	3. 8.78	Senegal	22.10.62
Dominican Republic	22. 9.53	South Africa	2. 3.50
Egypt	26. 7.60	Spain	24. 6.58
France	21. 9.53	Sri Lanka ¹	31. 3.66
Ghana	2. 7.59	Swaziland	5. 6.81
Greece	27. 4.59	Switzerland	6. 5.50
Guatemala	13. 2.52	Syrian Arab Republic	1.12.49
Guinea	12.12.66	Tunisia	15. 5.57
Guinea-Bissau	21. 2.77	United Arab Emirates	27. 5.82
India	27. 2.50	Uruguay ¹	19. 3.54
Iraq	17.11.67	Viet Nam	26.10.65
Ireland ¹	14. 1.52	Yugoslavia	20. 6.56
Italy	22.10.52	Zaire	20. 9.60
Kenya	30.11.65	Zambia	22. 2.65
Kuwait	21. 9.61		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

90. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948

This Convention came into force on 12 June 1951

States	Ratification registered on	States	Ratification registered on
Argentina	24. 9.56	Lebanon	26. 7.62
Bangladesh	22. 6.72	Luxembourg	3. 3.58
Barbados	15. 1.76	Mauritania	8.11.63
Bolivia	15.11.73	Mexico	20. 6.56
Burundi	30. 7.71	Netherlands	22.10.54
Byelorussian SSR	6.11.56	Norway	20. 5.57
United Republic of Cameroon	25. 5.70	Pakistan	14. 2.51
Costa Rica	2. 6.60	Paraguay	21. 3.66
Cuba	29. 4.52	Peru	4. 4.62
Cyprus	8.10.65	Philippines	29.12.53
Czechoslovakia	12. 6.50	Poland	26. 6.68
Dominican Republic	12. 8.57	Saudi Arabia	15. 6.78
Ghana	4. 4.61	Spain	5. 5.71
Greece	30. 3.62	Sri Lanka	18. 5.59
Guatemala	13. 2.52	Swaziland	5. 6.81
Guinea	12.12.66	Tunisia	26. 4.61
Haiti	12. 4.57	Ukrainian SSR	14. 9.56
India	27. 2.50	USSR	10. 8.56
Israel	23.12.53	Uruguay	18. 3.54
Italy	22.10.52	Yugoslavia	20. 2.57

91. PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949

This Convention came into force on 14 September 1967

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritania	8.11.63
Angola	4. 6.76	Netherlands ¹	22.12.61
Belgium	30. 8.62	Norway	29. 6.50
Brazil	18. 6.65	Poland	8.10.56
China	14. 3.67	Portugal	29. 7.52
Cuba	29. 4.52	Spain ¹	5. 5.71
Djibouti	3. 8.78	Tunisia	14. 4.70
Finland	22.12.51	Yugoslavia	11. 8.67
France ¹	26.10.51		
Guinea-Bissau	21. 2.77		
Iceland	15. 7.52		
Israel	30. 3.53		
Italy ¹	5. 5.71		

¹Convention denounced as a result
of the ratification of Convention
No. 146.

RATIFIED CONVENTIONS

92. ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949

This Convention came into force on 29 January 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Ireland	21. 7.52
Angola	4. 6.76	Israel	21. 8.80
Belgium	30. 8.62	Italy	23. 6.81
Brazil	8. 6.54	Liberia	21. 6.77
China	3. 2.71	Netherlands	17. 6.58
Costa Rica	2. 6.60	New Zealand	31. 5.77
Cuba	29. 4.52	Norway	29. 6.50
Denmark	30. 9.50	Panama	4. 6.71
Egypt	4. 8.82	Poland	13. 4.54
Finland	22.12.51	Portugal	29. 7.52
France	26.10.51	Spain	14. 7.71
Federal Republic of Germany	14. 8.74	Sweden	18. 7.50
Ghana	18. 3.65	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Iraq	1.12.77	United Kingdom	6. 8.53
		Yugoslavia	25.11.66

93. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1949

This Convention has not yet come into force.

States	Ratification registered on
Australia	3. 3.54
Brazil	18. 6.65
Cuba	29. 4.52
Philippines	29.12.53
Uruguay	18. 3.54

RATIFIED CONVENTIONS

94. LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949

This Convention came into force on 20 September 1952

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Malaysia:	
Austria	10.11.51	Sabah	3. 3.64
Bahamas	25. 5.76	Sarawak	3. 3.64
Barbados	8. 5.67	Mauritania	8.11.63
Belgium	13.10.52	Mauritius	2.12.69
Brazil	18. 6.65	Morocco	20. 9.56
Bulgaria	7.11.55	Netherlands	20. 5.52
Burundi	11. 3.63	Nigeria	17.10.60
United Republic of Cameroon	3. 9.62	Panama	4. 6.71
Central African Republic ...	9. 6.64	Philippines	29.12.53
Costa Rica	2. 6.60	Rwanda	18. 9.62
Cuba	29. 4.52	Saint Lucia	14. 5.80
Cyprus	23. 9.60	Sierra Leone	15. 6.61
Democratic Yemen	14. 4.69	Singapore	25.10.65
Denmark	15. 8.55	Somalia	18.11.60
Djibouti	3. 8.78	Spain	5. 5.71
Egypt	26. 7.60	Suriname	15. 6.76
Finland	22.12.51	Swaziland	5. 6.81
France	20. 9.51	Syrian Arab Republic	7. 6.57
Ghana	4. 4.61	Tanzania:	
Grenada	9. 7.79	Tanganyika	30. 1.62
Guatemala	13. 2.52	Zanzibar	22. 6.64
Guinea	12.12.66	Turkey	29. 3.61
Guyana	8. 6.66	Uganda	4. 6.63
Israel	30. 3.53	United Kingdom ¹	30. 6.50
Italy	22.10.52	Uruguay	18. 3.54
Jamaica	26.12.62	Zaire	20. 9.60
Kenya	13. 1.64		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

95. PROTECTION OF WAGES CONVENTION, 1949

This Convention came into force on 24 September 1952

States	Ratification registered on	States	Ratification registered on
Afghanistan	7. 1.57	Madagascar	1.11.60
Algeria	19.10.62	Malaysia:	
Argentina	24. 9.56	Peninsular Malaysia	17.11.61
Austria	10.11.51	Sabah	3. 3.64
Bahamas	25. 5.76	Sarawak	3. 3.64
Barbados	8. 5.67	Mali	22. 9.60
Belgium	22. 4.70	Malta	4. 1.65
Benin	12.12.60	Mauritania	20. 6.61
Bolivia	31. 1.77	Mauritius	2.12.69
Brazil	25. 4.57	Mexico	27. 9.55
Bulgaria	7.11.55	Netherlands	20. 5.52
Byelorussian SSR	4. 8.61	Nicaragua	1. 3.76
United Republic of Cameroon	7. 6.60	Niger	27. 2.61
Central African Republic ...	27.10.60	Nigeria	17.10.60
Chad	10.11.60	Norway	29. 6.50
China	16.11.62	Panama	19. 6.70
Colombia	7. 6.63	Paraguay	21. 3.66
Comoros	23.10.78	Philippines	29.12.53
Congo	10.11.60	Poland	25.10.54
Costa Rica	2. 6.60	Romania	6. 6.73
Cuba	29. 4.52	Saint Lucia	14. 5.80
Cyprus	23. 9.60	Senegal	4.11.60
Democratic Yemen	14. 4.69	Sierra Leone	15. 6.61
Djibouti	3. 8.78	Somalia	18.11.60
Dominican Republic	19. 6.73	Spain	24. 6.58
Ecuador	6. 7.54	Sudan	22.10.70
Egypt	26. 7.60	Suriname	15. 6.76
France	15.10.52	Swaziland	26. 4.78
Gabon	14.10.60	Syrian Arab Republic	7. 6.57
German Democratic Republic .	7. 5.75	Tanzania:	
Greece	16. 6.55	Tanganyika	30. 1.62
Grenada	9. 7.79	Zanzibar	22. 6.64
Guatemala	13. 2.52	Togo	7. 6.60
Guinea	21. 1.59	Tunisia	28. 5.58
Guyana	8. 6.66	Turkey	29. 3.61
Honduras	20. 6.60	Uganda	4. 6.63
Hungary	8. 6.56	Ukrainian SSR	4. 8.61
Iran	10. 6.72	USSR	4. 5.61
Iraq	12. 5.60	United Kingdom	24. 9.51
Israel	12. 1.59	Upper Volta	21.11.60
Italy	22.10.52	Uruguay	18. 3.54
Ivory Coast	21.11.60	Venezuela	10. 8.82
Lebanon	1. 6.77	Zaire	16. 6.69
Libyan Arab Jamahiriya	20. 6.62	Zambia	23.10.79

RATIFIED CONVENTIONS

96. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949

This Convention came into force on 18 July 1951

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19.10.62	Mauritania ¹	31. 3.64
Bangladesh ¹	22. 6.72	Netherlands ¹	20. 5.52
Belgium ¹	4. 7.58	Norway ¹	29. 6.50
Bolivia ¹	19. 7.54	Pakistan ¹	26. 5.52
Brazil ²	21. 6.57	Panama ¹	15. 7.71
Costa Rica ¹	2. 6.60	Poland ¹	25.10.54
Cuba ¹	3. 2.53	Senegal ³	22.10.62
Djibouti ¹	3. 8.78	Spain ¹	5. 5.71
Egypt ¹	26. 7.60	Sri Lanka ³	30. 4.58
Finland ¹	22.12.51	Suriname ¹	15. 6.76
France ¹	10. 3.53	Swaziland ¹	5. 6.81
Gabon ¹	13. 6.61	Sweden ¹	18. 7.50
Federal Republic of Germany ¹	8. 9.54	Syrian Arab Republic ¹	7. 6.57
Ghana ¹	21. 8.73	Turkey ³	23. 1.52
Guatemala ¹	3. 1.53	Uruguay ³	7. 7.76
Ireland ³	13. 6.72		
Israel ³	19. 6.61		
Italy ¹	9. 1.53		
Ivory Coast ¹	22. 5.61		
Japan ³	11. 6.56		
Libyan Arab Jamahiriya ¹	20. 6.62		
Luxembourg ¹	15.12.58		

¹Has accepted the provisions of Part II.

²Has denounced this Convention.

³Has accepted the provisions of Part III.

RATIFIED CONVENTIONS

97. MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949

This Convention came into force on 22 January 1952

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19.10.62	Portugal	12.12.78
Bahamas ²	25. 5.76	Saint Lucia ²	14. 5.80
Barbados ²	8. 5.67	Spain	21. 3.67
Belgium	27. 7.53	Tanzania:	
Brazil	18. 6.65	Zanzibar ²	22. 6.64
United Republic of Cameroon ²	3. 9.62	Trinidad and Tobago ²	24. 5.63
Cuba	29. 4.52	United Kingdom ⁴	22. 1.51
Cyprus ²	23. 9.60	Upper Volta	9. 6.61
Ecuador ²	5. 4.78	Uruguay	18. 3.54
France ¹	29. 3.54	Yugoslavia ⁵	4.12.68
Federal Republic of Germany	22. 6.59	Zambia ²	2.12.64
Grenada ²	9. 7.79		
Guatemala	13. 2.52		
Guyana ²	8. 6.66		
Israel	30. 3.53	¹ Has excluded the provisions of Annex II.	
Italy	22.10.52		
Jamaica ²	26.12.62	² Has excluded the provisions of Annex I to III.	
Kenya ²	30.11.65		
Malawi	22. 3.65	³ Has excluded the provisions of Annex I.	
Malaysia:			
Sabah ²	3. 3.64	⁴ Has excluded the provisions of Annexes I and III.	
Mauritius ²	2.12.69		
Netherlands	20. 5.52	⁵ Has excluded the provisions of Annex III.	
New Zealand ³	10.11.50		
Nigeria ²	17.10.60		
Norway	17. 2.55		

RATIFIED CONVENTIONS

98. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949

This Convention came into force on 18 July 1951

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Jordan	12.12.68
Algeria	19.10.62	Kenya	13. 1.64
Angola	4. 6.76	Lebanon	1. 6.77
Argentina	24. 9.56	Lesotho	31.10.66
Australia	28. 2.73	Liberia	25. 5.62
Austria	10.11.51	Libyan Arab Jamahiriya	20. 6.62
Bahamas	23. 5.76	Luxembourg	3. 3.58
Bangladesh	22. 6.72	Malawi	22. 3.65
Barbados	8. 5.67	Malaysia:	
Belgium	10.12.53	Peninsular Malaysia	5. 6.61
Benin	16. 5.68	Sabah	3. 3.64
Bolivia	15.11.73	Sarawak	3. 3.64
Brazil	18.11.52	Mali	2. 3.64
Bulgaria	8. 6.59	Malta	4. 1.65
Byelorussian SSR	6.11.56	Mauritius	2.12.69
United Republic of Cameroon	3. 9.62	Mongolia	3. 6.69
Cape Verde	3. 4.79	Morocco	20. 5.57
Central African Republic	9. 6.64	Nicaragua	31.10.67
Chad	8. 6.61	Niger	23. 3.62
China	11.10.62	Nigeria	17.10.60
Colombia	16.11.76	Norway	17. 2.55
Comoros	23.10.78	Pakistan	26. 5.52
Costa Rica	2. 6.60	Panama	16. 5.66
Cuba	29. 4.52	Papua New Guinea	1. 5.76
Cyprus	24. 5.66	Paraguay	21. 3.66
Czechoslovakia	21. 1.64	Peru	13. 3.64
Democratic Yemen	14. 4.69	Philippines	29.12.53
Denmark	15. 8.55	Poland	25. 2.57
Djibouti	3. 8.78	Portugal	1. 7.64
Dominican Republic	22. 9.53	Romania	26.11.58
Ecuador	28. 5.59	Saint Lucia	14. 5.80
Egypt	3. 7.54	Senegal	28. 7.61
Ethiopia	4. 6.63	Sierra Leone	13. 6.61
Fiji	19. 4.74	Singapore	25.10.65
Finland	22.12.51	Spain	20. 4.77
France	26.10.51	Sri Lanka	13.12.72
Gabon	29. 5.61	Sudan	18. 6.57
German Democratic Republic	7. 5.75	Swaziland	26. 4.78
Federal Republic of Germany	8. 6.56	Sweden	18. 7.50
Ghana	2. 7.59	Syrian Arab Republic	7. 6.57
Greece	30. 3.62	Tanzania:	
Grenada	9. 7.79	Tanganyika	30. 1.62
Guatemala	13. 2.52	Zanzibar	22. 6.64
Guinea	26. 3.59	Trinidad and Tobago	24. 5.63
Guinea-Bissau	21. 2.77	Tunisia	15. 5.57
Guyana	8. 6.66	Turkey	23. 1.52
Haiti	12. 4.57	Uganda	4. 6.63
Honduras	27. 6.56	Ukrainian SSR	14. 9.56
Hungary	6. 6.57	USSR	10. 8.56
Iceland	15. 7.52	United Kingdom	30. 6.50
Indonesia	15. 7.57	Upper Volta	16. 4.62
Irag	27.11.62	Uruguay	18. 3.54
Ireland	4. 6.55	Venezuela	19.12.68
Israel	28. 1.57	Viet Nam	6. 1.64
Italy	13. 5.58	Yemen	29. 7.76
Ivory Coast	5. 5.61	Yugoslavia	23. 7.58
Jamaica	26.12.62	Zaire	16. 6.69
Japan	20.10.53		

RATIFIED CONVENTIONS

99. MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951

This Convention came into force on 23 August 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Malawi	22. 3.65
Australia	19. 6.69	Malta	28.11.69
Austria	29.10.53	Mauritius	2.12.69
Belgium	17.10.68	Mexico	23. 8.52
Brazil	25. 4.57	Morocco	14.10.60
United Republic of Cameroon	25. 5.70	Netherlands	11. 6.54
Central African Republic ...	9. 6.64	New Zealand	1. 7.52
Colombia	4. 3.69	Papua New Guinea	1. 5.76
Comoros	23.10.78	Paraguay	24. 6.64
Costa Rica	2. 6.60	Peru	1. 2.60
Cuba	13. 1.54	Philippines	29.12.53
Czechoslovakia	21. 1.64	Poland	5. 7.77
Djibouti	3. 8.78	Senegal	22.10.62
France	29. 3.54	Seychelles	6. 2.78
Gabon	13. 6.61	Sierra Leone	13. 6.61
Federal Republic of Germany	25. 2.54	Spain	4. 6.70
Grenada	9. 7.79	Sri Lanka	5. 4.54
Guatemala	4. 8.61	Swaziland	5. 6.81
Guinea	12.12.66	Syrian Arab Republic	10. 8.65
Hungary	18. 6.69	Tunisia	12. 1.59
Ireland	22. 6.78	Turkey	23. 6.70
Italy	5. 5.71	United Kingdom	9. 6.53
Ivory Coast	5. 5.61	Uruguay	18. 3.54
Kenya	9. 2.71	Zambia	20. 6.72

RATIFIED CONVENTIONS

100. EQUAL REMUNERATION CONVENTION, 1951

This Convention came into force on 23 May 1953

States	Ratification registered on	States	Ratification registered on
Afghanistan	22. 8.69	Ireland	18.12.74
Albania	3. 6.57	Israel	9. 6.65
Algeria	19.10.62	Italy	8. 6.56
Angola	4. 6.76	Ivory Coast	5. 5.61
Argentina	24. 9.56	Jamaica	14. 1.75
Australia	10.12.74	Japan	24. 8.67
Austria	29.10.53	Jordan	22. 9.66
Barbados	19. 9.74	Lebanon	1. 6.77
Belgium	23. 5.52	Libyan Arab Jamahiriya	20. 6.62
Benin	16. 5.68	Luxembourg	23. 8.67
Bolivia	15.11.73	Madagascar	10. 8.62
Brazil	25. 4.57	Malawi	22. 3.65
Bulgaria	7.11.55	Mali	12. 7.68
Byelorussian SSR	21. 8.56	Mexico	23. 8.52
United Republic of Cameroon	25. 5.70	Mongolia	3. 6.69
Canada	16.11.72	Morocco	11. 5.79
Cape Verde	16.10.79	Mozambique	6. 6.77
Central African Republic	9. 6.64	Nepal	10. 6.76
Chad	29. 3.66	Netherlands	16. 6.71
Chile	20. 9.71	Nicaragua	31.10.67
China	1. 5.58	Niger	9. 8.66
Colombia	7. 6.63	Nigeria	8. 5.74
Comoros	23.10.78	Norway	24. 9.59
Costa Rica	2. 6.60	Panama	3. 6.58
Cuba	13. 1.54	Paraguay	24. 6.64
Czechoslovakia	30.10.57	Peru	1. 2.60
Denmark	22. 6.60	Philippines	29.12.53
Djibouti	3. 8.78	Poland	25.10.54
Dominican Republic	22. 9.53	Portugal	20. 2.67
Ecuador	11. 3.57	Romania	28. 5.57
Egypt	26. 7.60	Rwanda	2.12.80
Finland	14. 1.63	Sao Tomé and Príncipe	1. 6.82
France	10. 3.53	Saudi Arabia	15. 6.78
Gabon	13. 6.61	Senegal	22.10.62
German Democratic Republic	7. 5.75	Sierra Leone	15.11.68
Federal Republic of Germany	8. 6.56	Spain	6.11.67
Ghana	14. 3.68	Sudan	22.10.70
Greece	6. 6.75	Swaziland	5. 6.81
Guatemala	2. 8.61	Sweden	20. 6.62
Guinea	11. 8.67	Switzerland	25.10.72
Guinea-Bissau	21. 2.77	Syrian Arab Republic	7. 6.57
Guyana	13. 6.75	Tunisia	11.10.68
Haiti	4. 3.58	Turkey	19. 7.67
Honduras	9. 8.56	Ukrainian SSR	10. 8.56
Hungary	8. 6.56	USSR	30. 4.56
Iceland	17. 2.58	United Kingdom	15. 6.71
India	25. 9.58	Upper Volta	30. 6.69
Indonesia	11. 8.58	Venezuela	10. 8.82
Iran	10. 6.72	Yemen	29. 7.76
Iraq	28. 8.63	Yugoslavia	21. 5.52
		Zaire	16. 6.69
		Zambia	20. 6.72

RATIFIED CONVENTIONS

101. HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952

This Convention came into force on 24 July 1954

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Netherlands	27.11.58
Austria	14. 6.54	New Zealand	24. 7.53
Barbados	8. 5.67	Norway ¹	30. 9.54
Belgium	20. 3.54	Paraguay	21. 3.66
Brazil	25. 4.57	Peru	1. 2.60
Burundi	30. 7.71	Poland	8.10.56
United Republic of Cameroon ¹	25. 5.70	Saint Lucia	14. 5.80
Central African Republic ...	9. 6.64	Senegal	22.10.62
Colombia	4. 3.69	Sierra Leone	15. 6.61
Comoros	23.10.78	Spain	5. 5.71
Cuba	7. 9.54	Suriname	15. 6.76
Djibouti	3. 8.78	Swaziland	5. 6.81
Ecuador	3.10.69	Sweden ¹	12. 8.53
Egypt	9. 4.56	Syrian Arab Republic	26. 7.60
France	29. 3.54	Tanzania:	
Gabon	13. 6.61	Tanganyika	30. 1.62
Federal Republic of Germany ¹	5. 1.55	United Kingdom	25. 6.56
Guatemala	4. 8.61	Upper Volta ¹	30. 6.69
Hungary	8. 6.56	Uruguay ¹	18. 3.54
Israel	14. 7.53	Yugoslavia ¹	30. 4.55
Italy ¹	8. 6.56		
Madagascar ¹	10. 8.62		
Mauritania	8.11.63		
Morocco	14.10.60		

¹Convention denounced as a result
of the ratification of Convention
No. 132.

RATIFIED CONVENTIONS

102. SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952

This Convention came into force on 27 April 1955

States	Ratification registered on	States	Ratification registered on
Austria ¹ ,*	4.11.69	Libyan Arab	
Barbados ² ,*	11. 7.72	Jamahiriya ³ ,*,*,+	19. 6.75
Belgium ³ ,*	26.11.59	Luxembourg ³ ,*,+	31. 8.64
Bolivia ⁴ ,*,*,+	31. 1.77	Mauritania ¹⁵	15. 7.68
Costa Rica ⁵	16. 3.72	Mexico ¹⁶	12.10.61
Denmark ⁶	15. 8.55	Netherlands ³ ,*,*	11.10.62
Ecuador ⁷ ,*,*,+	25.10.74	Niger ¹⁷	9. 8.66
France ⁸	14. 6.74	Norway ¹⁸ ,*,+	30. 9.54
Germany, Federal Republic		Peru ¹⁹	23. 8.61
of ³ ,*,*,+	21. 2.58	Senegal ²⁰ ,*	22.10.62
Greece ⁹	16. 6.55	Sweden ²¹ ,*,+	12. 8.53
Iceland ¹⁰	20. 2.61	Switzerland ¹⁵ ,*	18.10.77
Ireland ¹¹	17. 6.68	Turkey ²²	29. 1.75
Israel ¹²	16.12.55	United Kingdom ²³	27. 4.54
Italy ¹³	8. 6.56	Venezuela ¹⁶ ,*,+	5.11.82
Japan ¹⁴ ,*	2. 2.76	Yugoslavia ²⁴ ,*	20.12.54

¹Parts II, IV, V, VII and VIII.

²Parts III, V, VI, IX and X.

³Parts II to X.

⁴Parts II, III and V to X.

⁵Parts II and V to X.

⁶Parts II, IV to VI and IX.

⁷Parts III, V, VI, IX and X.

⁸Parts II and IV to IX.

⁹Parts II to VI and VIII to X.

¹⁰Parts V, VII and IX.

¹¹Parts III, IV and X.

¹²Parts V, VI and X.

¹³Parts V, VII and VIII.

¹⁴Parts III to VI.

¹⁵Parts V to VII, IX and X.

¹⁶Parts II, III, V, VI and VIII to X.

¹⁷Parts V to VIII.

¹⁸Parts II to VII.

¹⁹Parts II, III, V, VIII and IX.

²⁰Parts VI to VIII.

²¹Parts II to IV and VI to VIII.

²²Parts II, III, V, VI and VIII to X.

²³Parts II to V, VII and X.

²⁴Parts II to VI, VIII and X.

*Part VI is no longer applicable as a result of the ratification of Convention No. 121.

*As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable.

*Part III is no longer applicable as a result of the ratification of Convention No. 130.

RATIFIED CONVENTIONS

103. MATERNITY PROTECTION CONVENTION (REVISED), 1952

This Convention came into force on 7 September 1955

States	Ratification registered on	States	Ratification registered on
Austria ¹	4.12.69	Venezuela	10. 8.82
Bolivia	15.11.73	Yugoslavia	30. 4.55
Brazil ²	18. 6.65	Zambia	23.10.79
Byelorussian SSR	6.11.56		
Cuba	7. 9.54		
Ecuador	5. 2.62		
German Democratic Republic ..	19. 6.79		
Hungary	8. 6.56		
Italy	5. 5.71		
Libyan Arab Jamahiriya	19. 6.75		
Luxembourg	10.12.69		
Mongolia	3. 6.69		
Netherlands ²	18. 9.81		
Poland	10. 3.76		
Spain ³	17. 8.65		
Ukrainian SSR	14. 9.56		
USSR	10. 8.56		
Uruguay	18. 3.54		

¹With the exception of the work specified in Article 7, paragraph 1(c).

²With the exception of the occupations and work specified in Article 7, paragraph 1(b) and (c).

³With the exception of persons specified in Article 7, paragraph 1(d).

104. ABOLITION OF PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1955

This Convention came into force on 7 June 1958

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Libyan Arab Jamahiriya	20. 6.62
Brazil	18. 6.65	Malawi	22. 3.65
Central African Republic ...	9. 6.64	Morocco	27. 3.63
China	14. 3.67	New Zealand	28. 6.56
Colombia	4. 3.69	Niger	23. 3.62
Cuba	15. 8.57	Nigeria	25.10.62
Dominican Republic	10. 2.58	Panama	19. 6.70
Ecuador	3.10.69	Portugal	12. 4.60
Egypt	18.12.58	Swaziland	5. 6.81
El Salvador	18.11.58	Syrian Arab Republic	7. 6.57
Guinea-Bissau	21. 2.77	Thailand	29. 7.64
Iran	13. 4.59	Tunisia	17.12.62
Liberia	25. 5.62	Yemen	22. 8.69

RATIFIED CONVENTIONS

105. ABOLITION OF FORCED LABOUR CONVENTION, 1957

This Convention came into force on 17 January 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.63	Liberia	25. 5.62
Algeria	12. 6.69	Libyan Arab Jamahiriya	13. 6.61
Angola	4. 6.76	Luxembourg	24. 7.64
Argentina	18. 1.60	Malaysia:	
Australia	7. 6.60	Peninsular Malaysia	13.10.58
Austria	5. 3.58	Sabah	3. 3.64
Bahamas	25. 5.76	Sarawak	3. 3.64
Bangladesh	22. 6.72	Mali	28. 5.62
Barbados	8. 5.67	Malta	4. 1.65
Belgium	23. 1.61	Mauritius	2.12.69
Benin	22. 5.61	Mexico	1. 6.59
Brazil	18. 6.65	Morocco	1.12.66
Burundi	11. 3.63	Mozambique	6. 6.77
United Republic of Cameroon	3. 9.62	Netherlands	18. 2.59
Canada	14. 7.59	New Zealand	14. 6.68
Cape Verde	3. 4.79	Nicaragua	31.10.67
Central African Republic ...	9. 6.64	Niger	23. 3.62
Chad	8. 6.61	Nigeria	17.10.60
China	31. 3.59	Norway	14. 4.58
Colombia	7. 6.63	Pakistan	15. 2.60
Comoros	23.10.78	Panama	16. 5.66
Costa Rica	4. 5.59	Papua New Guinea	1. 5.76
Cuba	2. 6.58	Paraguay	16. 5.68
Cyprus	23. 9.60	Peru	6.12.60
Democratic Yemen	14. 4.69	Philippines	17.11.60
Denmark	17. 1.58	Poland	30. 7.58
Djibouti	3. 8.78	Portugal	23.11.59
Dominican Republic	23. 6.58	Rwanda	18. 9.62
Ecuador	5. 2.62	Saint Lucia	14. 5.80
Egypt	23.10.58	Saudi Arabia	15. 6.78
El Salvador	18.11.58	Senegal	28. 7.61
Fiji	19. 4.74	Seychelles	6. 2.78
Finland	27. 5.60	Sierra Leone	13. 6.61
France	18.12.69	Singapore ¹	25.10.65
Gabon	29. 5.61	Somalia	8.12.61
Federal Republic of Germany	22. 6.59	Spain	6.11.67
Ghana	15.12.58	Sudan	22.10.70
Greece	30. 3.62	Suriname	15. 6.76
Grenada	9. 7.79	Swaziland	28. 2.79
Guatemala	9.12.59	Sweden	2. 6.58
Guinea	11. 7.61	Switzerland	18. 7.58
Guinea-Bissau	21. 2.77	Syrian Arab Republic	23.10.58
Guyana	8. 6.66	Tanzania:	
Haiti	4. 3.58	Tanganyika	30. 1.62
Honduras	4. 8.58	Zanzibar	22. 6.64
Iceland	29.11.60	Thailand	2.12.69
Iran	13. 4.59	Trinidad and Tobago	24. 5.63
Iraq	15. 6.59	Tunisia	12. 1.59
Ireland	11. 6.58	Turkey	29. 3.61
Israel	10. 4.58	Uganda	4. 6.63
Italy	15. 3.68	United Kingdom	30.12.57
Ivory Coast	5. 5.61	Uruguay	22.11.68
Jamaica	26.12.62	Venezuela	16.11.64
Jordan	31. 3.58	Zambia	22. 2.65
Kenya	13. 1.64	Zimbabwe	6. 6.80
Kuwait	21. 9.61		
Lebanon	1. 6.77		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

106. WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957

This Convention came into force on 4 March 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.63	Lebanon	1. 6.77
Angola	4. 6.76	Mexico ³	1. 6.59
Bangladesh ¹	22. 6.72	Morocco	22. 7.74
Bolivia	15.11.73	Netherlands	8.10.71
Brazil ²	18. 6.65	Pakistan ¹	15. 2.60
Bulgaria	22. 7.60	Paraguay	21. 3.66
Byelorussian SSR	26. 2.68	Portugal	24.10.60
Colombia	4. 3.69	Saudi Arabia	15. 6.78
Comoros ³	23.10.78	Spain	5. 5.71
Costa Rica	4. 5.59	Suriname	15. 6.76
Cuba	2. 6.58	Syrian Arab Republic ³	23.10.58
Cyprus	20.12.66	Tunisia ³	28. 5.58
Denmark ⁴	17. 1.58	Ukrainian SSR	19. 6.68
Djibouti ³	3. 8.78	USSR	22. 9.67
Dominican Republic	23. 6.58	Uruguay	28. 6.73
Ecuador	3.10.69	Yugoslavia ³	13.10.58
Egypt	23.10.58		
France ³	5. 5.71		
Gabon	26. 4.73		
Ghana	15.12.58		
Greece	28. 8.81		
Guatemala ³	9.12.59		
Guinea-Bissau	21. 2.77		
Haiti ³	4. 3.58		
Honduras	20. 6.60		
Indonesia	23. 8.72		
Iran	22. 1.68		
Iraq	5. 7.60		
Israel ⁵	19. 6.61		
Italy	12. 8.63		
Jordan	23. 7.79		
Kuwait	21. 9.61		

¹The Convention also applies to the establishments specified in Article 3, paragraph 1(c).

²The Convention also applies to the establishments specified in Article 3, paragraph 1(a), (c) and (d).

³The Convention also applies to the establishments specified in Article 3, paragraph 1.

⁴The Convention also applies to the establishments specified in Article 3, paragraph 1(a).

⁵The Convention also applies to the establishments specified in Article 3, paragraph 1(b), (c) and (d).

RATIFIED CONVENTIONS

107. INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957

This Convention came into force on 2 June 1959

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Ghana	15.12.58
Argentina	18. 1.60	Guinea-Bissau	21. 2.77
Bangladesh	22. 6.72	Haiti	4. 3.58
Belgium	19.11.58	India	29. 9.58
Bolivia	12. 1.65	Malawi	22. 3.65
Brazil	18. 6.65	Mexico	1. 6.59
China	11.10.62	Pakistan	15. 2.60
Colombia	4. 3.69	Panama	4. 6.71
Costa Rica	4. 5.59	Paraguay	20. 2.69
Cuba	2. 6.58	Peru	6.12.60
Dominican Republic	23. 6.58	Portugal	22.11.60
Ecuador	3.10.69	Syrian Arab Republic	14. 1.59
Egypt	14. 1.59	Tunisia	17.12.62
El Salvador	18.11.58		

108. SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958

This Convention came into force on 19 February 1961

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Liberia	8. 7.81
Barbados	8. 5.67	Malta	4. 1.65
Brazil	5.11.63	Mauritius	2.12.69
Bulgaria	26. 1.77	Mexico	11. 9.61
United Republic of Cameroon	29.11.82	Norway	26.10.70
Canada	31. 5.67	Panama	19. 6.70
Cuba	30.12.75	Portugal	3. 8.67
Denmark	26.10.70	Romania	20. 9.76
Djibouti	3. 8.78	Saint Lucia	14. 5.80
Fiji	19. 4.74	Seychelles	6. 2.78
Finland	26.10.70	Spain	5. 5.71
France	8. 6.67	Sweden	26.10.70
German Democratic Republic	7. 5.75	Tanzania:	
Ghana	19. 2.60	Tanganyika	26.11.62
Greece	9.10.63	Tunisia	26.10.59
Grenada	9. 7.79	Ukrainian SSR	17. 6.70
Guatemala	28.11.60	USSR	4.11.69
Guinea-Bissau	21. 2.77	United Kingdom ¹	18. 2.64
Guyana	8. 6.66	Uruguay	28. 6.73
Honduras	20. 6.60		
Iceland	26.10.70		
Iran	13. 3.67		
Ireland	17. 6.61		
Italy	12. 8.63		

¹In conformity with Article 1, paragraph 2, of the Convention fishermen shall not be regarded as seafarers for the purpose of this Convention.

RATIFIED CONVENTIONS

109. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1958

This Convention has not yet come into force.

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.72	Portugal	9. 1.81
Brazil ¹	30.11.66	Spain	14. 7.71
France ¹	8. 6.67	Yugoslavia	14. 1.66
Guatemala	2. 8.61		
Italy	23. 6.81		
Mexico	11. 9.61		
Norway ²	30. 8.66		

¹Excluding Part II.

²Conditional ratification and
excluding Part II.

110. PLANTATIONS CONVENTION, 1958

This Convention came into force on 22 January 1960

States	Ratification registered on	States	Ratification registered on
Brazil ¹	1. 3.65	Mexico	20. 6.60
Cuba	30.12.58	Nicaragua	1.10.81
Ecuador	3.10.69	Panama	15. 7.71
Guatemala	4. 8.61	Philippines	10.10.68
Ivory Coast	5. 5.61	Uruguay	28. 6.73
Liberia ¹	22. 7.59		

¹Has denounced this Convention.

RATIFIED CONVENTIONS

111. DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958

This Convention came into force on 15 June 1960

States	Ratification registered on	States	Ratification registered on
Afghanistan	1.10.69	Jordan	4. 7.63
Algeria	12. 6.69	Kuwait	1.12.66
Angola	4. 6.76	Lebanon	1. 6.77
Argentina	18. 6.68	Liberia	22. 7.59
Australia	15. 6.73	Libyan Arab Jamahiriya	13. 6.61
Austria	10. 1.73	Madagascar	11. 8.61
Bangladesh	22. 6.72	Malawi	22. 3.65
Barbados	14.10.74	Mali	2. 3.64
Belgium	22. 3.77	Malta	1. 7.68
Benin	22. 5.61	Mauritania	8.11.63
Bolivia	31. 1.77	Mexico	11. 9.61
Brazil	26.11.65	Mongolia	3. 6.69
Bulgaria	22. 7.60	Morocco	27. 3.63
Byelorussian SSR	4. 8.61	Mozambique	6. 6.77
Canada	26.11.64	Nepal	19. 9.74
Cape Verde	3. 4.79	Netherlands	15. 3.73
Central African Republic	9. 6.64	Nicaragua	31.10.67
Chad	29. 3.66	Niger	23. 3.62
Chile	20. 9.71	Norway	24. 9.59
China	13. 2.62	Pakistan	24. 1.61
Colombia	4. 3.69	Panama	16. 5.66
Costa Rica	1. 3.62	Paraguay	10. 7.67
Cuba	26. 8.65	Peru	10. 8.70
Cyprus	2. 2.68	Philippines	17.11.60
Czechoslovakia	21. 1.64	Poland	30. 5.61
Denmark	22. 6.60	Portugal	19.11.59
Dominican Republic	13. 7.64	Qatar	18. 8.76
Ecuador	10. 7.62	Romania	6. 6.73
Egypt	10. 5.60	Rwanda	2. 2.81
Ethiopia	11. 6.66	Sao Tomé and Príncipe	1. 6.82
Finland	23. 4.70	Saudi Arabia	15. 6.78
France	28. 5.81	Senegal	13.11.67
Gabon	29. 5.61	Sierra Leone	14.10.66
German Democratic Republic	7. 5.75	Somalia	8.12.61
Federal Republic of Germany	15. 6.61	Spain	6.11.67
Ghana	4. 4.61	Sudan	22.10.70
Guatemala	11.10.60	Swaziland	5. 6.81
Guinea	1. 9.60	Sweden	20. 6.62
Guinea-Bissau	21. 2.77	Switzerland	13. 7.61
Guyana	13. 6.75	Syrian Arab Republic	10. 5.60
Haiti	9.11.76	Trinidad and Tobago	26.11.70
Honduras	20. 6.60	Tunisia	14. 9.59
Hungary	20. 6.61	Turkey	19. 7.67
Iceland	29. 7.63	Ukrainian SSR	4. 8.61
India	3. 6.60	USSR	4. 5.61
Iran	30. 6.64	Upper Volta	16. 4.62
Iraq	15. 6.59	Venezuela	3. 6.71
Israel	12. 1.59	Viet Nam	6. 1.64
Italy	12. 8.63	Yemen	22. 8.69
Ivory Coast	5. 5.61	Yugoslavia	2. 2.61
Jamaica	10. 1.75	Zambia	23.10.79

RATIFIED CONVENTIONS

112. MINIMUM AGE (FISHERMEN) CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Albania	11. 8.64	Mexico	9. 8.61
Australia	15. 6.71	Netherlands ¹	15. 2.65
Belgium	8. 5.63	Norway ¹	22. 1.63
Bulgaria ¹	2. 3.61	Panama	19. 6.70
China	13. 2.62	Peru	4. 4.62
Costa Rica ¹	29.12.64	Poland ¹	20. 6.66
Cuba ¹	5. 2.71	Spain ¹	7. 8.61
Denmark	27. 2.62	Suriname	15. 6.76
Ecuador	10. 3.69	Tunisia	14. 1.63
France	8. 6.67	Ukrainian SSR ¹	4. 8.61
Federal Republic of Germany ¹	11. 2.63	USSR ¹	4. 5.61
Guatemala	2. 8.61	Uruguay ¹	28. 6.73
Guinea	7.11.60	Yugoslavia	2. 2.61
Israel ¹	19. 6.61		
Italy ¹	5. 5.71		
Kenya ¹	9. 2.71		
Liberia	16. 5.60		
Mauritania	8.11.63		

¹Convention denounced as a result of the ratification of Convention No. 138.

113. MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Belgium	8. 5.63	Liberia	16. 5.60
Brazil	1. 3.65	Norway	5.12.80
Bulgaria	2. 3.61	Panama	19. 6.70
China	13. 2.62	Peru	4. 4.62
Costa Rica	29.12.64	Poland	11. 1.80
Cuba	5. 2.71	Spain	7. 8.61
Ecuador	10. 3.69	Tunisia	14. 1.63
France	8. 6.67	Ukrainian SSR	17. 6.70
Federal Republic of Germany	8.10.76	USSR	4.11.69
Guatemala	2. 8.61	Uruguay	28. 6.73
Guinea	7.11.60	Yugoslavia	26. 5.61

RATIFIED CONVENTIONS

114. FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Belgium	8. 5.63	Liberia	16. 5.60
China	13. 2.62	Mauritania	8.11.63
Costa Rica	29.12.64	Netherlands	8. 8.80
Cyprus	20.12.66	Panama	19. 6.70
Ecuador	5. 4.78	Peru	4. 4.62
France	8. 6.67	Spain	7. 8.61
Federal Republic of Germany	1. 7.64	Tunisia	14. 1.63
Guatemala	2. 8.61	United Kingdom	20.12.74
Guinea	7.11.60	Uruguay	28. 6.73
Italy	10. 4.62	Yugoslavia	22.12.61

115. RADIATION PROTECTION CONVENTION, 1960

This Convention came into force on 17 June 1962

States	Ratification registered on	States	Ratification registered on
Argentina	15. 6.78	India	17.11.75
Barbados	8. 5.67	Iraq	26.10.62
Belgium	2. 7.65	Italy	5. 5.71
Brazil	5. 9.66	Japan	31. 7.73
Byelorussian SSR	26. 2.68	Lebanon	6.12.77
Czechoslovakia	21. 1.64	Netherlands	29.11.66
Denmark	7. 2.74	Nicaragua	1.10.81
Djibouti	3. 8.78	Norway	17. 6.61
Ecuador	9. 3.70	Paraguay	10. 7.67
Egypt	18. 3.64	Poland	23.12.64
Finland	16.10.78	Spain	17. 7.62
France	18.11.71	Sweden	12. 4.61
German Democratic Republic	7. 5.75	Switzerland	29. 5.63
Federal Republic of Germany	26. 9.73	Syrian Arab Republic	15. 1.64
Ghana	7.11.61	Turkey	15.11.68
Greece	4. 6.82	Ukrainian SSR	19. 6.68
Guinea	12.12.66	USSR	22. 9.67
Guyana	8. 6.66	United Kingdom	9. 3.62
Hungary	8. 6.68		

RATIFIED CONVENTIONS

116. FINAL ARTICLES REVISION CONVENTION, 1961

This Convention came into force on 5 February 1962

States	Ratification registered on	States	Ratification registered on
Australia	29.10.63	Luxembourg	4. 3.64
Austria	14.11.63	Madagascar	1. 6.64
Bangladesh	22. 6.72	Mauritania	8.11.63
Bolivia	12. 1.65	Mexico	3.11.66
Brazil	5. 9.66	Morocco	14.11.62
Bulgaria	3.10.69	Netherlands	13.11.64
Byelorussian SSR	11. 3.70	New Zealand	1. 3.63
United Republic of Cameroon	29.12.64	Niger	23. 3.62
Canada	25. 4.62	Nigeria	27. 6.62
Central African Republic ...	10. 6.63	Norway	22. 1.63
Chad	5. 2.62	Pakistan	17.11.67
China	16.11.62	Panama	19. 6.70
Colombia	4. 3.69	Paraguay	20. 2.69
Cuba	5. 2.71	Poland	22. 4.64
Cyprus	20. 7.64	Romania	9. 4.65
Czechoslovakia	21. 1.64	Senegal	13.11.67
Denmark	10. 7.62	South Africa	9. 8.63
Ecuador	10. 3.69	Spain	17. 7.62
Egypt	26. 3.62	Sri Lanka	26. 4.74
Ethiopia	11. 6.66	Sweden	3. 4.62
Finland	1. 6.64	Switzerland	5.11.62
France	8. 6.67	Syrian Arab Republic	10. 8.65
Federal Republic of Germany	7.10.63	Thailand	24. 9.62
Ghana	27. 8.63	Tunisia	15. 1.62
Guatemala	25. 1.65	Turkey	2. 9.68
Honduras	17.11.64	Ukrainian SSR	17. 6.70
India	21. 6.62	USSR	4.11.69
Iraq	26.10.62	United Kingdom	9. 3.62
Ireland	27. 2.63	Upper Volta	16. 4.62
Israel	24. 5.63	Uruguay	28. 6.73
Ivory Coast	2. 1.63	Venezuela	16.11.64
Japan	29. 4.71	Viet Nam	7.12.70
Jordan	4. 7.63	Yugoslavia	9. 3.65
Kuwait	23. 4.63	Zaire	5. 9.67

RATIFIED CONVENTIONS

117. SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962

This Convention came into force on 23 April 1964

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Madagascar	1. 6.64
Bolivia	31. 1.77	Nicaragua	1.10.81
Brazil	24. 3.69	Niger	23.11.64
Central African Republic ...	9. 6.64	Panama	4. 6.71
China	10.12.64	Paraguay	20. 2.69
Costa Rica	27. 1.66	Portugal	9. 1.81
Ecuador	3.10.69	Romania	6. 6.73
Ghana	18. 6.64	Senegal	13.11.67
Guinea	12.12.66	Spain	8. 5.73
Israel	15. 1.64	Sudan	22.10.70
Italy	27.12.66	Syrian Arab Republic	11.12.64
Jamaica	4. 1.66	Tunisia	14. 4.70
Jordan	7. 3.63	Viet Nam	7.12.70
Kuwait	23. 4.63	Zaire	5. 9.67
		Zambia	2.12.64

RATIFIED CONVENTIONS

118. EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962

This Convention came into force on 25 April 1964

States	Ratification registered on	States	Ratification registered on
Bangladesh ¹	22. 6.72	Italy ¹⁷	5. 5.67
Barbados ²	14.10.74	Jordan ¹⁸	7. 3.63
Bolivia ³	31. 1.77	Kenya ¹⁹	9. 2.71
Brazil ⁴	24. 3.69	Libyan Arab Jamahiriya ¹⁷ ...	19. 6.75
Central African Republic ⁵ ..	8.10.64	Madagascar ²⁰	22. 6.64
China ⁶	4. 1.65	Mauritania ²¹	15. 7.68
Denmark ⁷	17. 6.69	Mexico ⁴	6. 1.78
Ecuador ⁸	9. 3.70	Netherlands ¹⁷	3. 7.64
Finland ⁹	15. 8.69	Norway ²²	28. 8.63
France ¹⁰	13. 5.74	Pakistan ¹	27. 3.69
Federal Republic of Germany ¹¹	19. 3.71	Suriname ²³	15. 6.76
Guatemala ¹²	4.11.63	Sweden ¹¹	25. 4.63
Guinea ¹³	11. 8.67	Syrian Arab Republic ²⁴	18.11.63
India ¹⁴	19. 8.64	Tunisia ²⁵	20. 9.65
Iraq ⁴	28. 4.78	Turkey ⁴	25. 6.74
Ireland ¹⁵	26.11.64	Venezuela ⁴	5.11.82
Israel ¹⁶	9. 6.65	Viet Nam ²⁶	7.12.70
		Zaire ²⁷	1.11.67

¹Branches (c) and (g).

²Branches (h), (c) and (e) to (g).

³Branches (a) to (c) and (i).

⁴Branches (a) to (g).

⁵Branches (c), (e), (g) and (i).

⁶Branches (a) and (c) to (g).

⁷Branches (a), (h), (g) and (h).

⁸Branches (a) to (d), (f) and (g).

⁹Branches (a), (b) and (g).

¹⁰Branches (a) to (d), (f), (g) and (i).

¹¹Branches (a) to (c), (g) and (h).

¹²Branch (c).

¹³Branches (a) to (c), (e) to (g) and (i).

¹⁴Branches (a) to (c).

¹⁵Branches (a), (b), (g), (h) and (i).

¹⁶Branches (c), (e) to (g) and (i).

¹⁷Branches (a) to (i).

¹⁸Branches (c), (d), (f) and (g).

¹⁹Branches (d) to (f).

²⁰Branches (b) to (d) and (g).

²¹Branches (d) to (g) and (i).

²²Branches (f) and (i).

²³Branch (g).

²⁴Branches (d) to (g).

²⁵Branches (a) to (g) and (i).

²⁶Branches (c), (g) and (i).

²⁷Branches (d), (e) and (g).

RATIFIED CONVENTIONS

119. GUARDING OF MACHINERY CONVENTION, 1963

This Convention came into force on 21 April 1965.

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Panama	15. 7.71
Byelorussian SSR	11. 3.70	Paraguay	10. 7.67
Central African Republic ...	9. 6.64	Poland	3. 2.77
China	22. 2.66	Sierra Leone	21. 4.64
Congo	23.11.64	Spain	30.11.71
Cyprus	29. 3.65	Sweden	29.12.64
Dominican Republic	9. 3.65	Syrian Arab Republic	10. 6.65
Ecuador	3.10.69	Tunisia	14. 4.70
Finland	15. 8.69	Turkey	13.11.67
Ghana	18. 3.65	Ukrainian SSR	17. 6.70
Guatemala	26. 2.64	USSR	4.11.69
Guinea	12.12.66	Uruguay	2. 6.77
Italy	5. 5.71	Yugoslavia	7. 5.70
Japan	31. 7.73	Zaire	5. 9.67
Jordan	4. 5.64		
Kuwait	23.11.64		
Madagascar	1. 6.64		
Malaysia	6. 6.74		
Morocco	22. 7.74		
Nicaragua	1.10.81		
Niger	23.11.64		
Norway ¹	10.12.69		

¹In conformity with the provisions of Article 17, paragraph 1, of the Convention a declaration specifies to which undertakings and to which ships, boats and barges the provisions of the Convention apply.

120. HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964

This Convention came into force on 29 March 1966

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Jordan	11. 3.65
Belgium	17. 5.78	Lebanon	1. 6.77
Bolivia	31. 1.77	Madagascar	21.11.66
Brazil	24. 3.69	Mexico	18. 6.68
Bulgaria	29. 3.65	Norway	6. 6.66
Byelorussian SSR	26. 2.68	Panama	19. 6.70
Costa Rica	27. 1.66	Paraguay	10. 7.67
Cuba	5. 2.71	Poland	26. 6.68
Denmark	17. 6.70	Senegal	25. 4.66
Djibouti	3. 8.78	Spain	16. 6.70
Ecuador	10. 3.69	Sweden	11. 6.65
Finland	23. 9.68	Switzerland	18. 2.66
France	6. 4.72	Syrian Arab Republic	10. 6.65
German Democratic Republic .	7. 5.75	Tunisia	14. 4.70
Federal Republic of Germany	5.12.73	Ukrainian SSR	19. 6.68
Ghana	21.11.66	USSR	22. 9.67
Guatemala	21.10.75	United Kingdom	21. 4.67
Guinea	12.12.66	Venezuela	3. 6.71
Indonesia	13. 6.69	Viet Nam	7.12.70
Italy	5. 5.71	Zaire	5. 9.67

RATIFIED CONVENTIONS

121. EMPLOYMENT INJURY BENEFITS CONVENTION, 1964

This Convention came into force on 26 July 1967

States	Ratification registered on	States	Ratification registered on
Belgium	22. 4.70	Senegal	25. 4.66
Bolivia	31. 1.77	Sweden	17. 6.69
Cyprus	28. 7.66	Uruguay ¹	28. 6.73
Ecuador	5. 4.78	Venezuela	10. 8.82
Finland ¹	23. 9.68	Yugoslavia	7. 5.70
Federal Republic of Germany	1. 3.72	Zaire	5. 9.67
Guinea	11. 8.67		
Ireland	9. 6.69		
Japan ¹	7. 6.74		
Libyan Arab Jamahiriya	19. 6.75		
Luxembourg	24. 7.72		
Netherlands ¹	2. 8.66		

¹Has accepted the text of the List of Occupational Diseases (Schedule I) duly amended by the General Conference of the International Labour Organisation during its 66th Session (1980).

RATIFIED CONVENTIONS

122. EMPLOYMENT POLICY CONVENTION, 1964

This Convention came into force on 15 July 1966

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Libyan Arab Jamahiriya	27. 5.71
Australia	12.11.69	Madagascar	21.11.66
Austria	27. 7.72	Mauritania	30. 7.71
Barbados	15. 3.76	Mongolia	24.11.76
Belgium	8. 7.69	Morocco	11. 5.79
Bolivia	31. 1.77	Netherlands	9. 1.67
Brazil	24. 3.69	New Zealand	15. 7.65
Byelorussian SSR	26. 2.68	Nicaragua	1.10.81
United Republic of Cameroon	25. 5.70	Norway	6. 6.66
Canada	16. 9.66	Panama	19. 6.70
Chile	24.10.68	Papua New Guinea	1. 5.76
Comoros	23.10.78	Paraguay	20. 2.69
Costa Rica	27. 1.66	Peru	27. 7.67
Cuba	5. 2.71	Philippines	13. 1.76
Cyprus	28. 7.66	Poland	24.11.66
Czechoslovakia	15. 7.75	Portugal	9. 1.81
Denmark	17. 6.70	Romania	6. 6.73
Djibouti	3. 8.78	Senegal	25. 4.66
Ecuador	13.11.72	Spain	28.12.70
Finland	23. 9.68	Sudan	22.10.70
France	5. 8.71	Suriname	15. 6.76
German Democratic Republic	7. 5.75	Sweden	11. 6.65
Federal Republic of Germany	17. 6.71	Thailand	26. 2.69
Guinea	12.12.66	Tunisia	17. 2.66
Honduras	9. 6.80	Turkey	13.12.77
Hungary	18. 6.69	Uganda	23. 6.67
Iran	10. 6.72	Ukrainian SSR	19. 6.68
Iraq	2. 3.70	USSR	22. 9.67
Ireland	20. 6.67	United Kingdom	27. 6.66
Israel	26. 1.70	Uruguay	2. 6.77
Italy	5. 5.71	Venezuela	10. 8.82
Jamaica	10. 1.75	Viet Nam	7.12.70
Jordan	10. 3.66	Yugoslavia	23. 8.71
Democratic Kampuchea	28. 9.71	Zambia	23.10.79
Lebanon	1. 6.77		

RATIFIED CONVENTIONS

123. MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965

This Convention came into force on 10 November 1967

States	Ratification registered on	States	Ratification registered on
Australia ¹	12.12.71	Swaziland ¹	5. 6.81
Belgium ²	17. 5.78	Switzerland ⁶	10.11.66
Bolivia ¹	31. 1.77	Syrian Arab Republic ⁷	26. 6.72
Bulgaria ³	3.10.69	Thailand ²	5. 4.68
Byelorussian SSR ³	11. 3.70	Tunisia ²	24. 7.67
United Republic of Cameroon ¹	6.11.70	Uganda ¹	23. 6.67
China ¹	6. 4.67	Ukrainian SSR ³	17. 6.70
Cyprus ¹	11. 4.67	USSR ³	4.11.69
Czechoslovakia ²	7. 6.68	Viet Nam ¹	7.12.70
Djibouti ¹	3. 8.78	Yugoslavia ²	7. 5.70
Ecuador ²	10. 3.69	Zambia ²	3. 4.67
France ¹	18.11.71		
Gabon ²	18.10.68		
Hungary ¹	8. 6.68	¹ Minimum age specified: 16 years.	
India ¹	20. 3.75	² Minimum age specified: 18 years.	
Italy ³	5. 5.71	³ Convention denounced as a result	
Jordan ¹	6. 6.66	of the ratification of Convention	
Kenya ³	20. 6.68	No. 138.	
Madagascar ²	23.10.67	⁴ Minimum age specified: for	
Malaysia ¹	6. 6.74	apprentices and trainees, under	
Mexico ¹	29. 8.68	certain conditions, 16 years; for	
Mongolia ²	3.12.81	other categories of workers,	
Netherlands ³	8. 4.69	18 years.	
Nigeria ¹	14. 5.74	⁵ Minimum age specified: for appren-	
Panama ²	24. 9.70	tices, under certain conditions, 16	
Paraguay ²	10.10.68	years; for other categories of	
Poland ⁴	30. 9.69	workers, 18 years.	
Rwanda ²	1. 6.70	⁶ Minimum age specified: 19 full	
Saudi Arabia ²	15. 6.78	years; for apprentices, 20 full years.	
Spain ⁵	6.11.67	⁷ Minimum age specified: 17 years.	

RATIFIED CONVENTIONS

124. MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965

This Convention came into force on 13 December 1967

States	Ratification registered on	States	Ratification registered on
Austria	8.12.71	Italy	5. 5.71
Belgium	6. 5.77	Jordan	6. 6.66
Bolivia	31. 1.77	Madagascar	23.10.67
Brazil	21. 8.70	Mexico	29. 8.68
Bulgaria	3.10.69	Netherlands	8. 4.69
Byelorussian SSR	11. 3.70	Panama	19. 6.70
China	19. 4.67	Paraguay	10. 7.67
Cyprus	18. 1.67	Poland	26. 6.68
Czechoslovakia	23. 4.80	Spain	30.11.71
Djibouti	3. 8.78	Syrian Arab Republic	18. 8.72
Ecuador	10. 3.69	Tunisia	3. 5.67
Finland	23. 9.68	Uganda	23. 6.67
France	5. 8.71	Ukrainian SSR	17. 6.70
Gabon	18.10.68	USSR	4.11.69
German Democratic Republic ..	19. 6.79	United Kingdom	13.12.66
Greece	28. 8.81	Viet Nam	7.12.70
Hungary	8. 6.68	Zambia	10. 3.67

125. FISHERMEN'S COMPETENCY CERTIFICATES CONVENTION, 1966

This Convention came into force on 15 July 1969.

States	Ratification registered on	States	Ratification registered on
Belgium	22. 7.69	Senegal	15. 7.68
Brazil	21. 8.70	Sierra Leone	6.11.67
Djibouti	3. 8.78	Syrian Arab Republic	6. 5.69
France	2. 4.70	Trinidad and Tobago	14.12.72
Panama	19. 6.70		

126. ACCOMMODATION OF CREWS (FISHERMEN) CONVENTION, 1966

This Convention came into force on 6 November 1968

States	Ratification registered on	States	Ratification registered on
Belgium	22. 7.69	Panama	4. 6.71
Denmark	6. 6.78	Sierra Leone	6.11.67
Djibouti	3. 8.78	Spain	8.11.68
France	18.11.71	Ukrainian SSR	17. 6.70
Federal Republic of Germany ..	14. 8.74	USSR	4.11.69
Netherlands	12. 5.76	Yugoslavia	23.11.73
Norway	6. 7.67		

RATIFIED CONVENTIONS

127. MAXIMUM WEIGHT CONVENTION, 1967

This Convention came into force on 10 March 1970

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Lebanon	1. 6.77
Brazil	21. 8.70	Madagascar	4. 1.71
Bulgaria	21. 6.78	Nicaragua	1. 3.76
Chile	3.11.72	Panama	19. 6.70
China	2. 2.70	Poland	2. 5.73
Costa Rica	16. 3.72	Romania	28.10.75
Ecuador	10. 3.69	Spain	7. 6.69
France	31. 5.73	Thailand	26. 2.69
German Democratic Republic ..	20. 8.75	Tunisia	14. 4.70
Italy	5. 5.71	Turkey	13.11.75

128. INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967

This Convention came into force on 1 November 1969

States	Ratification registered on	States	Ratification registered on
Austria ¹	4.11.69	Switzerland ³	13. 9.77
Barbados ²	15. 9.72	Uruguay ³	28. 6.73
Bolivia ³	31. 1.77		
Cyprus ⁴	7. 1.69		
Ecuador ³	5. 4.78		
Finland ³	13. 1.76		
Federal Republic of Germany ³	15. 1.71		
Libyan Arab Jamahiriya ³	19. 6.75		
Netherlands ³	27.10.69		
Norway ³	1.11.68		
Sweden ³	26. 7.68		

¹Has accepted Part III. In accordance with Article 39, paragraph 1(b), public servants are excluded from the application of the Convention.

²Has accepted Parts II and III.

³Has accepted all Parts.

⁴Has accepted Part IV.

RATIFIED CONVENTIONS

129. LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969

This Convention came into force on 19 January 1972

States	Ratification registered on	States	Ratification registered on
Bolivia	31. 1.77	Malawi	20. 7.71
Colombia	16.11.76	Morocco	11. 5.79
Costa Rica	16. 3.72	Netherlands	29. 6.73
Denmark	30.11.72	Norway	14. 4.71
Finland	3. 9.74	Romania	28.10.75
France	28.12.72	Spain	5. 5.71
Federal Republic of Germany	26. 9.73	Sweden	14. 5.70
Guyana	19. 1.71	Syrian Arab Republic	18. 4.72
Italy	23. 6.81	Upper Volta	21. 5.74
Kenya	9. 4.79	Uruguay	28. 6.73
Madagascar	21.12.71	Yugoslavia	22. 7.75

130. MEDICAL CARE AND SICKNESS BENEFITS CONVENTION, 1969

This Convention came into force on 27 May 1972

States	Ratification registered on	States	Ratification registered on
Bolivia	31. 1.77	Federal Republic of Germany	8. 8.74
Costa Rica	16. 3.72	Libyan Arab Jamahiriya	19. 6.75
Czechoslovakia	27. 5.71	Luxembourg	3. 7.80
Denmark	6. 6.78	Norway	15. 2.72
Ecuador	5. 4.78	Sweden	14. 5.70
Finland	3. 9.74	Uruguay	28. 6.73
		Venezuela	10. 8.82

RATIFIED CONVENTIONS

131. MINIMUM WAGE FIXING CONVENTION, 1970

This Convention came into force on 29 April 1972

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.73	Nepal	19. 9.74
Bolivia	31. 1.77	Netherlands	10.10.73
United Republic of Cameroon	6. 7.73	Nicaragua	1. 3.76
Costa Rica	8. 6.79	Niger	24. 4.80
Cuba	5. 1.72	Romania	28.10.75
Ecuador	2.12.70	Spain	30.11.71
Egypt	12. 5.76	Sri Lanka	17. 3.75
France	28.12.72	Swaziland	5. 6.81
Iraq	16. 5.74	Syrian Arab Republic	18. 4.72
Japan	29. 4.71	Upper Volta	21. 5.74
Kenya	9. 4.79	Uruguay	2. 6.77
Lebanon	1. 6.77	Yemen	29. 7.76
Libyan Arab Jamahiriya	27. 5.71	Zambia	20. 6.72
Mexico	18. 4.73		

132. HOLIDAYS WITH PAY CONVENTION (REVISED), 1970

This Convention came into force on 30 June 1973

States	Ratification registered on	States	Ratification registered on
United Republic of Cameroon ^{1*}	7. 8.73	Norway ^{6*}	22. 6.73
Federal Republic of Germany ^{2*}	1.10.75	Portugal ^{7*}	17. 3.81
Guinea ^{3*}	2. 6.77	Spain ^{1*}	30. 6.72
Iraq ^{1*}	19. 2.74	Sweden ^{8*}	7. 6.78
Ireland ^{1*}	20. 6.74	Upper Volta ^{3*}	12. 7.74
Italy ^{1*}	28. 7.81	Uruguay ^{9*}	2. 6.77
Kenya ^{4*}	9. 4.79	Yemen ^{10*}	1.11.76
Luxembourg ^{5*}	1.10.79	Yugoslavia ^{2*}	12. 5.75
Madagascar ^{1*}	8. 2.72		

¹Length of holiday specified:
3 weeks.
²Length of holiday specified:
18 working days.
³Length of holiday specified:
1 calendar month.
⁴Length of holiday specified:
21 working days.
⁵Length of holiday specified:
25 working days.
⁶Length of holiday specified:
24 working days.
⁷Length of holiday specified:
21 days.

⁸Length of holiday specified:
5 weeks.
⁹Length of holiday specified:
20 working days.
¹⁰Length of holiday specified: 21
days for workers and 30 days for
employees.
^{*}Has accepted the provisions of
Article 15, paragraph 1(a) and (b).
^{*}Has accepted the provisions of
Article 15, paragraph 1(a).

RATIFIED CONVENTIONS

133. ACCOMMODATION OF CREWS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1970

This Convention has not yet come into force.

States	Ratification registered on	States	Ratification registered on
Finland	22.11.74	New Zealand	31. 5.77
France	24. 3.72	Nigeria	12. 6.73
Federal Republic of Germany	14. 8.74	Norway	14. 3.75
Guinea	26. 5.77	Poland	9.10.75
Israel	21. 8.80	Sweden	17. 2.72
Italy	23. 6.81	United Kingdom	26. 3.81
Ivory Coast	19. 6.72	Uruguay	2. 6.77
Liberia	8. 5.78		

134. PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970

This Convention came into force on 17 February 1973

States	Ratification registered on	States	Ratification registered on
Costa Rica	8. 6.79	Japan	3. 7.78
Denmark	28. 7.80	Mexico	2. 5.74
Egypt	4. 8.82	New Zealand	31. 5.77
Finland	22.11.74	Nigeria	12. 6.73
France	27. 2.78	Norway	9. 3.76
Federal Republic of Germany	14. 8.74	Poland	26. 6.80
Greece	8. 6.77	Romania	28.10.75
Guinea	26. 5.77	Spain	30.11.71
Israel	21. 8.80	Sweden	17. 2.72
Italy	23. 6.81	Uruguay	2. 6.77

RATIFIED CONVENTIONS

135. WORKERS' REPRESENTATIVES CONVENTION, 1971

This Convention came into force on 30 June 1973

States	Ratification registered on	States	Ratification registered on
Austria	6. 8.73	Luxembourg	9.10.79
Barbados	25. 4.77	Mexico	2. 5.74
United Republic of Cameroon	5. 4.76	Netherlands	19.11.75
Costa Rica	7.12.77	Nicaragua	1.10.81
Cuba	17.11.72	Niger	5. 4.72
Denmark	6. 6.78	Norway	24.11.76
Egypt	25. 3.82	Poland	9. 6.77
Finland	13. 1.76	Portugal	31. 5.76
France	30. 6.72	Romania	28.10.75
Gabon	13. 6.75	Senegal	24. 8.76
German Democratic Republic	7. 5.75	Spain	21.12.72
Federal Republic of Germany	26. 9.73	Sri Lanka	16.11.76
Guinea	26. 5.77	Suriname	15. 6.76
Hungary	11. 9.72	Sweden	11. 8.72
Iraq	27. 7.72	Syrian Arab Republic	6. 3.75
Italy	23. 6.81	United Kingdom	15. 3.73
Ivory Coast	21. 2.73	Upper Volta	21. 5.74
Jordan	23. 7.79	Yemen	29. 7.76
Kenya	9. 4.79	Zambia	24. 5.73

136. BENZENE CONVENTION, 1971

This Convention came into force on 27 July 1973

States	Ratification registered on	States	Ratification registered on
Bolivia	31. 1.77	Italy	23. 6.81
Colombia	16.11.76	Ivory Coast	21. 2.73
Cuba	17.11.72	Kuwait	29. 3.74
Czechoslovakia	23. 4.80	Morocco	22. 7.74
Ecuador	27. 3.75	Nicaragua	1.10.81
Finland	13. 1.76	Romania	6.11.75
France	30. 6.72	Spain	8. 5.73
Federal Republic of Germany	26. 9.73	Switzerland	25. 3.75
Greece	24. 1.77	Syrian Arab Republic	7. 2.77
Guinea	26. 5.77	Uruguay	2. 6.77
Hungary	11. 9.72	Yugoslavia	24. 6.75
Iraq	27. 7.72	Zambia	24. 5.73
Israel	21. 6.79		

PATIFIED CONVENTIONS

137. DOCK WORK CONVENTION, 1973

This Convention came into force on 24 July 1975

States	Patification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Netherlands	14. 9.76
Australia	25. 6.74	Nicaragua	1.10.81
Costa Rica	3. 7.75	Norway	21.10.74
Cuba	7. 1.75	Poland	22. 2.79
Egypt	4. 8.82	Portugal	9. 1.81
Finland	13. 1.76	Romania	28.10.75
France	15. 2.77	Spain	22. 4.75
Iraq	9. 3.78	Sweden	24. 7.74
Italy	23. 6.81	Uruguay	31. 7.80
Kenya	9. 4.79		

138. MINIMUM AGE CONVENTION, 1973

This Convention came into force on 19 June 1976

States	Ratification registered on	States	Ratification registered on
Bulgaria ¹	23. 4.80	Niger ³	4.12.76
Byelorussian SSR ¹	3. 5.79	Norway ²	8. 7.80
Costa Rica ²	11. 6.76	Poland ²	22. 3.78
Cuba ²	7. 3.75	Romania ¹	19.11.75
Finland ²	13. 1.76	Rwanda ³	15. 4.81
German Democratic Republic ¹	19. 6.79	Spain ²	16. 5.77
Federal Republic of Germany ²	8. 4.76	Ukrainian SSR ¹	3. 5.79
Honduras ³	9. 6.80	USSR ¹	3. 5.79
Ireland ²	22. 6.78	Uruguay ²	2. 6.77
Israel ²	21. 6.79	Zambia ²	9. 2.76
Italy ²	28. 7.81		
Kenya ¹	9. 4.79		
Libyan Arab Jamahiriya ⁴	19. 6.75		
Luxembourg ²	24. 3.77		
Netherlands ²	14. 9.76		
Nicaragua ²	2.11.81		

¹ Minimum age specified: 16 years.
² Minimum age specified: 15 years.
³ Minimum age specified: 14 years.
⁴ Minimum age specified: 18 years.

RATIFIED CONVENTIONS

139. OCCUPATIONAL CANCER CONVENTION, 1974

This Convention came into force on 10 June 1976

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Italy	23. 6.81
Argentina	15. 6.78	Japan	26. 7.77
Denmark	6. 6.78	Nicaragua	1.10.81
Ecuador	27. 3.75	Norway	14. 6.77
Egypt	25. 3.82	Peru	16.11.76
Finland	4. 5.77	Sweden	23. 9.75
Federal Republic of Germany	23. 8.76	Switzerland	28.10.76
Guinea	20. 4.76	Syrian Arab Republic	1. 2.79
Hungary	10. 6.75	Uruguay	31. 7.80
Iraq	31. 3.78	Yugoslavia	19. 8.77

140. PAID EDUCATIONAL LEAVE CONVENTION, 1974

This Convention came into force on 23 September 1976

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Iraq	9. 5.78
Cuba	30.12.75	Kenya	9. 4.79
Czechoslovakia	24. 5.76	Mexico	17. 2.77
France	20.10.75	Netherlands	14. 9.76
German Democratic Republic	14. 7.77	Nicaragua	1.10.81
Federal Republic of Germany	30.11.76	Poland	23. 4.79
Guinea	20. 4.76	Spain	18. 9.78
Hungary	10. 6.75	Sweden	23. 9.75
		United Kingdom	4.12.75

141. RURAL WORKERS' ORGANISATIONS CONVENTION, 1975

This Convention came into force on 24 November 1977

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Kenya	9. 4.79
Austria	18. 9.78	Mexico	28. 6.78
Cuba	14. 4.77	Netherlands	26. 1.77
Cyprus	28. 6.77	Nicaragua	1.10.81
Denmark	6. 6.78	Norway	24.11.76
Ecuador	26.10.77	Philippines	18. 6.79
Finland	14. 9.77	Spain	28. 4.78
Federal Republic of Germany	5.12.78	Sweden	19. 7.76
India	18. 8.77	Switzerland	23. 5.77
Israel	21. 6.79	United Kingdom	15. 2.77
Italy	18.10.79	Zambia	4.12.78

PATIFIED CONVENTIONS

142. HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975

This Convention came into force on 19 July 1977

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Israel	21. 6.79
Argentina	15. 6.78	Italy	18.10.79
Austria	2. 3.79	Jordan	23. 7.79
Brazil	24.11.81	Kenya	9. 4.79
Byelorussian SSR	3. 5.79	Mexico	28. 6.78
Cuba	5. 1.78	Netherlands	19. 6.79
Cyprus	28. 6.77	Nicaragua	4.11.77
Czechoslovakia	6. 3.79	Norway	24.11.76
Denmark	5. 6.81	Poland	10.10.79
Ecuador	26.10.77	Portugal	9. 1.81
Egypt	25. 3.82	Spain	16. 5.77
Finland	14. 9.77	Sweden	19. 7.76
German Democratic Republic ..	19. 6.79	Switzerland	23. 5.77
Federal Republic of Germany ..	29.12.80	Ukrainian SSR	3. 5.79
Guinea	5. 6.78	USSR	3. 5.79
Hungary	17. 6.76	United Kingdom	15. 2.77
Iraq	26. 7.78		
Ireland	22. 6.79		

143. MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975

This Convention came into force on 9 December 1978

States	Ratification registered on	States	Ratification registered on
Benin	11. 6.80	Portugal	12.12.78
United Republic of Cameroon ..	4.7.78	Sweden ²	28.12.82
Cyprus	28. 6.77	Uganda	31. 3.78
Guinea	5. 6.78	Upper Volta	9.12.77
Italy	23. 6.81	Yugoslavia	19. 6.81
Kenya	9. 4.79		
Norway ¹	24. 1.79		

¹Excluding Part I.

²Excluding Part II.

RATIFIED CONVENTIONS

144. TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976

This Convention came into force on 16 May 1978

States	Ratification registered on	States	Ratification registered on
Australia	11. 6.79	India	27. 2.78
Austria	2. 3.79	Iraq	11. 9.78
Bahamas	16. 8.79	Ireland	22. 6.79
Bangladesh	17. 4.79	Italy	18.10.79
Belgium	29.10.82	Mexico	28. 6.78
Costa Rica	29. 7.81	Netherlands	27. 7.78
Cyprus	28. 6.77	Nicaragua	1.10.81
Denmark	6. 6.78	Norway	9. 8.77
Ecuador	23.11.79	Portugal	9. 1.81
Egypt	25. 3.82	Suriname	16.11.79
Finland	2.10.78	Swaziland	5. 6.81
France	8. 6.82	Sweden	16. 5.77
Federal Republic of Germany	23. 7.79	United Kingdom	15. 2.77
Greece	28. 8.81	Zambia	4.12.78
Iceland	30. 6.81		

145. CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976

This Convention came into force on 3 May 1979

States	Ratification registered on	States	Ratification registered on
Costa Rica	16. 6.81	Morocco	7. 3.80
Cuba	9. 2.79	Netherlands	10. 1.79
Finland	2.10.78	New Zealand	11. 1.80
France	3. 5.78	Norway	24. 1.79
Hungary	8. 6.78	Poland	10.10.79
Iraq	14.11.79	Spain	28. 4.78
Italy	23. 6.81	Sweden	6.10.81

RATIFIED CONVENTIONS

146. SEAFARERS' ANNUAL LEAVE WITH PAY CONVENTION, 1976

This Convention came into force on 13 June 1979

States	Ratification registered on	States	Ratification registered on
United Republic of Cameroon ¹	13. 6.78	Netherlands ³	12.11.80
France ²	15. 6.78	Nicaragua ³	1.10.81
Italy ³	28. 7.81	Spain ⁴	9. 3.79
Morocco ³	10. 7.80	Sweden ⁵	7. 6.78

¹Length of annual leave specified:
60 consecutive days for officers and 3
consecutive days per month for seamen.

²Length of annual leave specified:
116 days for officers and seamen em-
ployed on board French merchant ves-
sels and a minimum of 111 days for
crews of tugboats and port vessels.

³Length of annual leave specified:
30 days.

⁴Length of annual leave specified:
37, 40 or 60 days according to the
different types of navigation and 44,
60 or 64 days for special leave
according to the cargoes carried by
the different types of ships.

⁵Length of annual leave specified:
5 weeks.

147. MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976

This Convention came into force on 28 November 1981

States	Ratification registered on	States	Ratification registered on
Belgium	16. 9.82	Italy	23. 6.81
Costa Rica	24. 6.81	Liberia	8. 7.81
Denmark	28. 7.80	Morocco	15. 6.81
Finland	2.10.78	Netherlands	25. 1.79
France	2. 5.78	Norway	24. 1.79
Federal Republic of Germany	14. 7.80	Spain	28. 4.78
Greece	18. 9.79	Sweden	20.12.78
		United Kingdom	28.11.80

RATIFIED CONVENTIONS

148. WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977

This Convention came into force on 11 July 1979

States	Ratification registered on	States	Ratification registered on
Brazil	14. 1.82	Norway	13. 3.79
Costa Rica	16. 6.81	Portugal	9. 1.81
Cuba	29.12.80	Spain ¹	17.12.80
Ecuador	11. 7.78	Sweden	10. 7.78
Finland	8. 6.79	United Kingdom ²	8. 3.79
Guinea	8. 6.82	Zambia	19. 8.80

¹Has accepted the obligations of the Convention in respect of air pollution and noise only.

²Has accepted the obligations of the Convention in respect of air pollution only.

149. NURSING PERSONNEL CONVENTION, 1977

This Convention came into force on 11 July 1979

States	Ratification registered on	States	Ratification registered on
Bangladesh	17. 4.79	Poland	4.11.80
Byelorussian SSR	3. 5.79	Sweden	10. 7.78
Denmark	5. 6.81	Ukrainian SSR	3. 5.79
Ecuador	11. 7.78	USSR	3. 5.79
Egypt	3.11.82	Uruguay	31. 7.80
Finland	8. 6.79	Zambia	19. 8.80
Guinea	8. 6.82		
Iraq	4. 6.80		
Philippines	18. 6.79		

150. LABOUR ADMINISTRATION CONVENTION, 1978

This Convention came into force on 11 October 1980

States	Ratification registered on	States	Ratification registered on
Cuba	29.12.80	Norway	19. 3.80
Cyprus	6. 7.81	Portugal	9. 1.81
Denmark	5. 6.81	Spain	3. 3.82
Finland	25. 2.80	Suriname	29. 9.81
Gabon	11.10.79	Sweden	11. 6.79
Federal Republic of Germany	26. 2.81	Switzerland	3. 3.81
Guinea	8. 6.82	United Kingdom	19. 3.80
Iraq	10. 7.80	Upper Volta	3. 4.80
Israel	7.12.79	Zambia	19. 8.80
Mexico	10. 2.82		
Netherlands	8. 8.80		

RATIFIED CONVENTIONS

151. LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978

This Convention came into force on 25 February 1991

States	Ratification registered on	States	Ratification registered on
Cuba	29.12.80	Portugal	9. 1.81
Cyprus	6. 7.81	Suriname	29. 9.81
Denmark	5. 6.81	Sweden	11. 6.79
Finland	25. 2.80	Switzerland	3. 3.81
Guinea	8. 6.82	United Kingdom	19. 3.80
Norway	19. 3.80	Zambia	19. 8.80
Peru	27.10.80		
Poland	26. 7.82		

152. OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979

This Convention came into force on 5 December 1981

States	Ratification registered on
Cuba	15.10.82
Finland	3. 7.31
Federal Republic of Germany	17.12.92
Guinea	8. 6.82
Mexico	10. 2.82
Norway	5.12.80
Spain	3. 3.82
Sweden	13. 6.80

153. HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1979

This Convention will come into force on 10 February 1983

States	Ratification registered on
Mexico	10. 2.82
Switzerland	4. 5.81

RATIFIED CONVENTIONS

154. COLLECTIVE BARGAINING CONVENTION, 1981

This Convention will come into force on 11 August 1983

States	Ratification registered on
Norway	22. 6.82
Sweden	11. 8.82

155. OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981

This Convention will come into force on 11 August 1983

States	Ratification registered on
Cuba	7. 9.82
Norway	22. 6.82
Sweden	11. 8.82

156. WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981

This Convention will come into force on 11 August 1983

States	Ratification registered on
Norway	22. 6.82
Sweden	11. 8.82
