

**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)



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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 1983.

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	-	105	95	14, 106, 140
Algeria	-	19, 29, 32, 62, 63, 81, 100, 105, 122, 127	10, 13, 42, 63, 69, 73, 74	-
Angola	-	27, 105	-	69, 74
Antigua and Barbuda	-	-	-	19, 29, 81, 105
Argentina	-	10, 29, 34, 81, 87, 88, 100, 105, 107, 139, 142	16, 53, 73	13, 27, 33
Australia	-	10, 29, 45, 81, 100, 111	19, 27, 123	-
Norfolk Island	-	-	-	10, 27, 29, 105
Austria	-	19, 29, 81, 100, 105, 111, 122, 142	5, 10, 13, 33, 63	135, 141

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Bahamas	-	17	42	5, 10, 12, 14, 81, 95, 97, 117
Bahrain	81, 89	-	-	-
Bangladesh	-	29, 32, 96, 105, 107, 149	27, 81	16, 19, 59, 118
Barbados	42	-	5, 10	19, 63, 74, 81, 100, 118, 135
Belgium	-	5, 10, 29, 33, 53, 81, 88, 96, 100, 105	1, 14, 15, 19, 26, 56, 58, 69, 73, 74, 89, 95, 99, 112, 123, 125	12, 13, 16, 27, 32, 43, 45, 62, 97, 98, 113, 120
Benin	-	13	-	-
Bolivia	95, 131	77, 78, 81, 88, 96, 107, 121, 129	5, 89, 90, 118, 123, 128, 130	-
Brazil	142	19, 53, 111, 118, 122, 125	16, 94, 100	5, 14, 98, 113, 117
Bulgaria	138	29	79	13, 16, 19, 27, 32, 34, 53, 62, 69, 73, 81, 100, 113, 127
Burma	-	63	16, 17, 19	27, 52
Burundi	-	19, 29, 81, 89, 105	14	27, 59, 62
Cameroon, United Rep. of	-	29, 77, 78, 81, 94, 105, 122, 132, 146	-	10, 11, 13, 14, 16, 19, 33, 95, 97, 100, 135
Canada	-	74, 105, 111, 122	63, 69	16, 27, 32, 73

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Cape Verde	-	-	-	81
Central African Republic	-	62	-	118, 119
Chad	-	29, 52, 105	6, 11, 13, 87	5, 14, 33, 41, 98
Chile	-	5, 6, 9, 12, 13, 32, 63, 111, 127	10, 11, 18	16, 17, 19, 24, 27, 35, 36, 37, 38, 100
Colombia	-	5, 9, 12, 22, 26, 62, 88, 99, 107, 136	2, 7, 13, 15, 16, 17, 19, 81, 100, 129	1, 14, 18
Comoros	-	81	77, 78	5, 10, 29, 33, 100, 105
Costa Rica	144, 145, 147, 148	81, 102, 107, 129, 131, 134, 138	-	96, 100, 105, 113, 135
Cuba	151	63, 81, 135, 136, 142	13, 16, 19, 27, 53, 96, 113	100, 111, 135, 138, 141
Cyprus	-	29, 105, 111, 142	19, 143	16, 44, 81, 123, 141
Czechoslovakia	-	29, 136, 142	63	5, 10, 13, 19, 27, 34, 100, 123
Democratic Yemen	-	29, 123	-	59, 94, 95
Denmark	149	32, 62, 81, 118, 129, 134, 135	5, 16, 53, 73, 100	19, 27, 42, 63, 105
Greenland	-	-	-	5, 16, 19, 29, 105
Djibouti	55, 56, 71	16, 19, 22, 23, 29, 53, 63, 69, 73, 91, 100, 105, 122, 123, 126	81	5, 10, 13, 33, 96

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Dominica	-	29, 105	16, 19	-
Dominican Republic	-	29, 81, 95, 100	-	5, 10, 19, 88, 105
Ecuador	-	81, 105, 118, 122, 128, 135, 136, 139, 141, 142, 148, 149	103, 130	111, 113, 123
Egypt	9, 22, 23	29, 53, 88, 94, 96, 105	74	19, 81, 100
El Salvador	-	105	-	12, 104
Ethiopia	-	87, 88	-	-
Fiji	-	-	26	19, 29, 59, 105
Finland	8, 151, 152	29, 53, 63, 73, 96, 100, 118, 134, 136, 142, 147, 148, 149	62, 81, 138, 139, 141, 145	13, 16, 19, 27, 105, 129, 135
France	-	19, 81, 118, 125, 129, 146, 147	62, 69, 135	5, 10, 13, 16, 33, 73, 87, 94, 100, 113, 123, 134, 136
<u>Overseas Depart- ments:</u>				
French Guyana	-	19, 125	53, 62, 69	5, 10, 13, 16, 73, 81, 113, 123, 135, 136
Guadeloupe	-	19, 125	53, 62, 69	5, 10, 13, 16, 73, 81, 113, 123, 135, 136
Martinique	-	19, 125	53, 62, 69	5, 10, 13, 16, 73, 81, 113, 123, 135, 136

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Réunion	-	19, 125	53, 62, 69	5, 10, 13, 16, 73, 81, 113, 123, 135, 136
St. Pierre and Miquelon	-	19, 125	53, 69, 91	5, 10, 13, 16, 33, 73, 81, 88, 96, 113, 123
<u>Overseas Terri- tories</u>				
French Polynesia	-	63, 94	53, 69, 125	5, 10, 13, 19, 29, 33, 73, 81, 96, 105, 123
New Caledonia	-	5, 33, 63, 81, 115, 122, 123	96	10, 13, 16, 29, 53, 69, 73, 98, 105, 118, 125
Gabon	-	29, 81, 105, 135	19, 87, 123	13, 33, 96, 100
German Democratic Republic	-	122	16, 103, 138	27, 100, 135, 142
Germany, Federal Republic of	142	22, 29, 81, 118, 129, 136, 139	19, 63, 96, 135	16, 27, 62, 73, 105, 113, 134, 138, 141
Ghana	-	29, 105	-	16, 19, 59, 69, 74, 81, 100
Greece	-	29, 69, 81, 90, 105	19	5, 13, 16, 27, 98, 136
Grenada	14	19, 29, 81	-	8, 11, 12, 50, 64, 65, 86
Guatemala	-	62, 63, 81, 87, 88, 94, 96, 105, 110	-	100, 113, 118, 120
Guinea	-	81, 111, 113, 119, 134, 136, 139	-	5, 10, 16, 33, 62, 100

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Guinea-Bissau	-	19, 27, 29, 81, 105	100	69, 73, 74
Guyana	-	81, 100	42	5, 10, 19, 129
Haiti	-	81, 111	5	-
Honduras	27, 138	29, 122	-	32, 62, 100, 105
Hungary	-	19, 29, 139, 142	27, 136	10, 13, 16, 48, 100, 135
Iceland	-	111	100	11, 87, 98
India	-	26, 29, 81, 100	5, 16, 118, 123	19, 27, 32, 141
Indonesia	-	100	19	-
Iran	-	29, 100	-	-
Iraq	137, 140, 142, 144	1, 30, 100	17, 27, 78	23, 42, 81, 98, 132, 135
Ireland	-	105	19	-
Israel	92	29, 81, 100, 105, 118, 122, 136, 141, 142	53, 138	19, 48, 96
Italy	74, 92, 134, 137, 145, 146, 147	19, 29, 32, 48, 108, 118, 127	44, 55	8, 11, 14, 16, 27, 53, 69, 73, 89, 106, 141
Ivory Coast	-	136	52	5, 11, 13, 33, 85, 96, 100, 105, 111, 135
Jamaica	-	98, 105	-	97
Japan	-	29, 69, 81, 100	16, 19, 73, 87, 96, 98, 134	5, 10, 27, 139
Jordan	-	81, 100	-	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Kenya	129, 131	17, 132	-	-
Kuwait	-	29, 136	81, 87	-
Lebanon	-	52, 59, 88, 106	90	81, 89
Liberia	147	53, 58, 65, 92, 104, 112, 113, 114	-	87, 98
Libyan Arab Jamahiriya	-	29, 53, 105, 138	3, 100, 103	14, 81
Luxembourg	-	28, 81, 96, 135	27, 138	13, 16
Madagascar	-	19, 29, 100, 118, 119, 122, 127, 129	13, 123	5, 33, 81
Malawi	-	81, 100, 129	-	11, 12, 19, 26, 45, 50, 64, 65, 86, 89, 97, 99, 104, 107
Malaysia	-	14, 29, 81, 105	19, 123	16
Mali	-	29, 81	-	5, 13, 19, 33, 100, 105
Malta	-	29, 81	5, 19	10, 16, 32, 105
Mauritania	-	29, 53	-	-
Mauritius	-	19, 29, 32, 63, 81, 105	74	16, 59
Mexico	-	34, 53, 62, 63, 118, 134, 135, 142	13, 16	19, 27, 100, 105, 123, 141
Mongolia	-	111, 122	87	59

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Morocco	122, 145, 147	100	-	13, 19, 22, 27, 29, 81, 105, 129, 136
Mozambique	-	11, 30, 81, 88, 100, 105	17, 18	14
Netherlands	103, 114, 150	27, 29, 32, 81, 87, 100, 129, 142	19, 48, 62, 63, 69, 74, 118, 137, 138	13, 16, 44, 73, 96, 135, 141
Netherlands Antilles	-	81, 89, 94, 105, 106, 122	17, 25, 88, 90	8, 9, 11, 12, 14, 33, 42, 45, 101
New Zealand	145	29, 59, 105, 134	10, 63, 81	16, 32, 53, 74
Nicaragua	63, 88, 115, 117, 119, 122, 135, 136, 137, 138, 139, 140, 144, 146	2, 100, 105, 142	-	16, 19, 27
Niger	-	29	138	87, 98, 111
Nigeria	-	81	95, 97, 100	123
Norway	113, 138, 150, 151	16, 29, 53, 69, 81, 95, 96, 100, 111, 118, 122, 129, 139, 148	19, 73	13, 27, 47, 50, 105, 134, 135, 141
Pakistan	-	29, 81, 96, 105, 107	-	16, 19, 27, 32, 59, 118
Panama	-	10, 16, 29, 32, 53, 56, 63, 68, 69, 74, 81, 94, 105, 122	19, 22, 26, 27, 96, 100	13, 113, 123
Paraguay	-	122	-	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Peru	151	29, 62, 68, 69, 81, 107, 122	-	10
Philippines	-	53, 59, 87, 100, 105, 141, 149	-	-
Poland	-	29, 105, 134, 137, 142	14, 19, 99, 140	2, 12, 13, 16, 17, 24, 25, 27, 35, 36, 37, 38, 39, 40, 62, 69, 73, 74, 96, 100, 106, 123, 138
Portugal	-	19, 29, 74, 111	-	27, 73, 135
Qatar	-	-	-	81
Romania	-	29, 81, 129, 135, 136	13	16, 27, 87, 100, 134
Rwanda	138	81, 94	100	19, 62, 105, 123
Saint Lucia	-	29	-	11
Saudi Arabia	-	1, 29, 30, 81, 89, 90, 111	14, 45	123
Senegal	-	29, 81, 105, 122, 125, 135	33	5, 10, 13, 19, 96, 100
Seychelles	-	-	5	10, 11, 16
Sierra Leone	-	29, 100, 105	19, 95	16, 32, 59, 125
Singapore	-	-	19	32, 81
Somalia	-	84	94, 95	65
South Africa	-	19	-	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Spain	-	53, 63, 73, 81, 108, 129, 131, 134, 142, 147	44, 69, 74, 96, 113, 123, 146	13, 16, 19, 48, 62, 100, 135, 136, 138, 141
Sri Lanka	-	8, 29, 81, 96, 98, 135	16, 63	5
Sudan	-	29, 81, 111, 122	19, 100	-
Swaziland	45, 64, 81, 86, 89, 90, 94, 96, 99, 100, 101, 104, 111, 123, 131, 144	29, 50, 59	19	105
Sweden	145, 151	10, 13, 29, 81, 92, 96, 100, 118, 139, 142, 148, 149	16, 19, 63, 73, 134	27, 105, 129, 135, 141
Switzerland	150, 151, 153	29, 81, 100, 136	19, 62, 63, 142	5, 16, 27, 105, 123, 141
Syrian Arab Republic	-	1, 19, 96, 105, 106, 118	53, 87	98
Tanzania	-	17, 29, 81, 88, 105	19	16, 32, 59, 97
Zanzibar	-	-	85	7, 58
Thailand	-	105, 122	-	-
Togo	-	26, 29	13	5, 14, 33, 84, 85, 87
Trinidad and Tobago	-	111	-	87, 97, 98
Tunisia	-	19, 29, 73, 81, 105, 117, 119, 122	59, 100	13, 16, 62, 113, 118, 123
Turkey	-	81, 95, 98, 111, 118, 119	-	96, 100

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Uganda	-	81, 95, 105, 122, 123	94	5, 12, 17, 19, 26, 45, 98
Ukrainian SSR	-	-	-	32, 149
USSR	-	29, 111, 149	-	32
United Kingdom	151	81, 100, 105, 140, 142, 147, 148	19, 63, 69, 74	5, 10, 29, 32, 135, 141
Bermuda	-	29	19, 59	5, 10, 16, 135
Gibraltar	151	-	-	16, 19, 29, 59, 63, 81, 135, 142
Guernsey	148, 150	142	19, 63	5, 10, 16, 29, 32, 69, 81, 105, 135, 141
Hong Kong	3, 148, 150, 151	2, 81, 142	16, 19, 32, 63, 90, 105	5, 10, 59, 41
Jersey	-	-	19, 32, 81	5, 10, 16, 29, 63, 69, 105
Isle of Man	-	-	19, 32, 63, 69, 81	5, 10, 16, 29, 105
Montserrat	-	95	19	5, 16, 29, 59, 85, 105
St. Helena	151	29	63	5, 10, 16, 19, 59, 85
St. Kitts-Nevis	-	29, 105	-	50, 64, 65, 86, 101
United States	-	53, 74	55	58
Upper Volta	-	-	-	111
Uruguay	149	19, 63, 81, 96, 121, 122, 129, 134, 136, 139	13, 27, 32, 62, 128, 130	16, 73, 113, 138

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Venezuela	-	29, 81	5, 13, 19, 63	105
Yemen	-	81, 100, 132	-	14, 104
Yugoslavia	143	29, 32, 48, 53, 69, 73, 81, 129, 136, 139	5, 19, 123	13, 16, 27, 100, 113
Zaire	-	29, 81, 88, 118, 121	19, 100	27, 62
Zambia	122, 151	100, 105, 111, 136, 138, 141	19, 123	135

Part 2

Summary of reports on Recommendation No. 116;
Conventions Nos. 14, 106 and on Recommendation No. 103;
and Convention No. 132

(Article 19 of the Constitution)

Reduction of hours of work, weekly rest and
holidays with pay

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 Reduction of Hours of Work Recommendation, 1962 (No. 116); the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) and the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); and the Holidays with Pay Convention (Revised), 1970 (No. 132).

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1983.

The report of the Committee of Experts on the Application of Conventions and Recommendations which will be submitted to the Conference at its 70th (1984) 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 14, 106, 132
AND RECOMMENDATIONS Nos 103, 116 RECEIVED

Member States	Recommendation No. 116	Convention No. 14	Convention No. 106	Recommendation No. 103	Convention No. 132
Afghanistan	-	R	R	-	-
Algeria	X	R	X	X	X
Angola	-	R	R	-	X
Antigua and Barbuda	X	-	-	X	X
Argentina	X	R	X	X	X
Australia	X	X	X	X	X
Austria	X	X	X	X	X
Bahamas	-	R	-	-	-
Bahrain	X	R	X	X	X
Bangladesh	X	R	R	X	X
Barbados	X	X	X	X	X
Belgium	X	R	-	X	X
Belize	-	-	-	-	-
Benin	-	R	X	-	X
Bolivia	-	R	R	-	-
Botswana	-	-	-	-	-
Brazil	-	R	R	-	-
Bulgaria	X	R	R	X	X
Burma	X	R	X	X	X
Burundi	X	R	X	X	X
Byelorussian SSR	X	R	R	X	X
Cameroon, United Rep. of	X	R	X	X	R
Canada	X	R	X	X	X
Cape Verde	X	X	X	X	X
Central African Rep.	X	R	X	-	X
Chad	X	R	X	X	X
Chile	X	R	X	X	X
China	-	X*	X	X	-
Colombia	X	R	R	X	X
Comoros	X	R	R	X	X
Congo	X	R	X	X	X
Costa Rica	-	-	R	-	-
Cuba	X	R	R	X	X
Cyprus	X	X	R	X	X
Czechoslovakia	X	R	X	X	X
Democratic Kampuchea	-	-	-	-	-
Democratic Yemen	X	X	X	X	X
Denmark	X	R	R	X	X
Djibouti	X	R	R	X	X
Dominica	-	-	-	-	-
Dominican Republic	X	X	R	X	X
Ecuador	X	X	R	X	X
Egypt	X	R	R	X	X
El Salvador	X	X	X	X	X
Equatorial Guinea	-	X	-	-	X
Ethiopia	X	X	X	X	X
Fiji	-	-	-	-	-
Finland	X	R	X	X	X
France	X	R	R	X	X
Gabon	X	R	R	X	X

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Member States	Recommendation No. 116	Convention No. 14	Convention No. 106	Recommendation No. 103	Convention No. 132
German Democratic Republic	X	X	X	X	X
Germany (Federal Rep. of)	X	X	X	X	R
Ghana	-	R	R	-	-
Greece	X	R	R	-	X
Grenada	-	R	-	-	-
Guatemala	X	X	R	X	X
Guinea	-	R	-	-	R
Guinea-Bissau	X	R	R	X	X
Guyana	X	X	X	X	X
Haiti	-	R	R	-	-
Honduras	-	R	R	-	-
Hungary	X	R	X	X	X
Iceland	-	-	-	-	-
India	X	R	X	X	X
Indonesia	X	X	R	X	X
Iran	-	R	R	-	-
Iraq	-	R	R	-	R
Ireland	-	R	-	-	R
Israel	X	R	R	X	X
Italy	X	R	R	X	R
Ivory Coast	-	R	-	-	-
Jamaica	X	X	X	X	X
Japan	X	X	X	X	X
Jordan	-	-	R	-	-
Kenya	-	R	-	-	R
Kuwait	-	-	R	-	-
Lao Republic	-	-	-	-	-
Lebanon	-	R	R	-	-
Lesotho	-	R	X	X	X
Liberia	X	X	X	X	X
Libyan Arab Jamahiriya	-	R	-	-	-
Luxembourg	X	R	-	-	R
Madagascar	X	R	X	X	R
Malawi	-	-	-	-	-
Malaysia	X	R	X	X	X
Mali	X	R	X	X	X
Malta	X	X	X	X	X
Mauritania	-	R	-	-	-
Mauritius	X	R	X	X	X
Mexico	X	R	R	X	X
Mongolia	X	X	X	X	X
Morocco	X	R	R	X	X
Mozambique	X	R	X	X	X
Namibia	-	-	-	-	-
Nepal	-	-	-	-	-
Netherlands	X	R	R	X	X
New Zealand	X	R	X	X	X
Nicaragua	X	R	X	X	X
Niger	-	R	-	-	-
Nigeria	X	X	X	-	X
Norway	X	R	X	X	R
Pakistan	X	R	R	-	X
Panama	X	X	X	X	X
Papua New Guinea	-	-	-	-	-
Paraguay	-	R	R	-	-

Member States	Recommendation No. 116	Convention No. 14	Convention No. 106	Recommendation No. 103	Convention No. 132
Peru	X	R	X	X	X
Philippines	X	X	X	X	X
Poland	X	R	X	X	X
Portugal	X	R	R	X	R
Qatar	-	-	-	-	-
Romania	X	R	X	X	X
Rwanda	X	R	X	X	X
Saint Lucia	-	R	-	-	-
San Marino	-	-	-	-	-
Sao Tome and Principe	-	-	-	-	-
Saudi Arabia	X	R	R	X	X
Senegal	X	R	X	X	X
Seychelles	-	-	-	-	-
Sierra Leone	X	X	X	X	X
Singapore	X	X	X	X	X
Somalia	X	X	X	X	X
Spain	X	R	R	X	R
Sri Lanka	X	X	X	X	X
Sudan	X	X	X	X	X
Suriname	-	R	R	-	X
Swaziland	-	R	-	-	-
Sweden	X	R	X	X	R
Switzerland	X	R	X	X	X
Syrian Arab Republic	-	R	R	-	-
Tanzania	X	X	X	X	X
Thailand	X	R	X	X	X
Togo	X	R	X	X	X
Trinidad and Tobago	-	-	-	-	-
Tunisia	X	R	R	-	X
Turkey	X	R	X	X	X
Uganda	X	X	X	X	X
Ukrainian SSR	X	R	R	X	X
United Arab Emirates	-	-	-	-	-
United Kingdom	X	X	X	X	X
United States	X	X	X	X	X
Upper Volta	X	R	X	X	R
Uruguay	X	R	R	X	R
USSR	X	R	R	X	X
Venezuela	X	R	X	X	X
Viet Nam	-	R	-	-	-
Yemen	-	R	-	-	R
Yugoslavia	X	R	R	X	R
Zaire	-	R	-	-	-
Zambia	X	X	X	X	X
Zimbabwe	X	R	X	X	X

Note: A total of 38 reports has also been received in respect of the following non-metropolitan territories : United Kingdom: Bermuda, Brunei**, Gibraltar, Guernsey, Hong-kong, Jersey, Isle of Man, Montserrat, St Helena.

R = Ratified Conventions

X = Report received

- = Report not received

*This Convention was ratified by China on 17 May 1934.

** Since the reception of the reports, Brunei acceded to independence on 1 January 1984.

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 68th Session held in Geneva from 2 to 23 June 1982.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 23 June 1983 and the period of 18 months on 23 December 1983.

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 67th Sessions (1948 to 1981). 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 69th 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 68th 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).

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.

63rd Session (1977)

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

64th Session (1978)

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

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).

68th Session (1982)

Maintenance of Social Security Rights Convention (No. 157).
Termination of Employment Convention (No. 158).
Termination of Employment Recommendation (No. 166).
Protocol to the Plantations Convention, 1958 (No. 110).

Summary of information relating to the submission
to the competent authorities of the Conventions
and Recommendations adopted by the International
Labour Conference at its 68th Session (Geneva, 1982)
and supplementary information on the texts adopted
at its 31st to 67th Sessions (1948 to 1981)

Argentina. The instruments adopted at the 68th Session of the Conference have been submitted to the President of the Republic.

Australia. The instruments adopted at the 68th Session of the Conference were submitted to Parliament in December 1983.

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

Bahrain. The instruments adopted at the 68th Session of the Conference were submitted to the Council of Ministers on 18 May 1983.

Bangladesh. The instruments adopted at the 68th Session of the Conference have been submitted to the competent authorities.

Barbados. The instruments adopted at the 68th Session of the Conference have been submitted to Parliament.

Belgium. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 10 May 1983. The ratification of Conventions Nos. 154 and 156 has been proposed.

Bulgaria. The instruments adopted at the 68th Session of the Conference were submitted to the National Assembly on 28 January 1983.

Burma. The instruments adopted at the 67th Session of the Conference were submitted to the People's Assembly on 6 October 1983.

Burundi. The instruments adopted at the 62nd, 63rd, 64th, 66th and 68th Sessions of the Conference have been submitted to the President of the Republic. The ratification of Convention No. 157 has been proposed.

Byelorussian SSR. The instruments adopted at the 68th Session of the Conference were submitted to the Presidium of the Supreme Soviet in May 1983.

Canada. The instruments adopted at the 66th and 67th Sessions of the Conference were submitted to the House of Commons in June 1983 and to the Senate in September 1983.

Cape Verde. The instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to the People's National Assembly.

Central African Republic. The instruments adopted at the 68th Session of the Conference were submitted to the Council of Ministers in November 1982. The ratification of Conventions Nos. 157 and 158 has been proposed.

Colombia. The instruments adopted at the 67th and 68th Sessions of the Conference were submitted to Congress in September 1983. The ratification of Conventions Nos. 154 to 158 has been proposed.

Comoros. The instruments adopted at the 65th, 66th, 67th and 68th Sessions of the Conference were submitted to the Federal Assembly on 8 March 1984.

Cuba. Convention No. 149, adopted at the 63rd Session of the Conference, Conventions Nos. 154 and 156 and Recommendation No. 165, adopted at the 67th Session, as well as the instruments adopted at the 68th Session, have been submitted to the Council of Ministers.

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

Czechoslovakia. The instruments adopted at the 67th and 68th Sessions of the Conference were submitted to the Federal Assembly on 13 May and 14 November 1983, respectively. The ratification of Convention No. 155 has been proposed.

Ecuador. The instruments adopted at the 65th and 66th Sessions of the Conference were submitted to Congress on 18 July 1983. The ratification of Conventions Nos. 152 and 153 has been proposed.

Egypt. The instruments adopted at the 68th Session of the Conference were submitted to the People's Assembly on 10 September 1982.

Ethiopia. The instruments adopted at the 62nd, 67th and 68th Sessions of the Conference were submitted to the Provisional Military Administrative Council on 31 March 1983.

Fiji. The instruments adopted from the 59th to the 63rd Sessions of the Conference were submitted to Parliament on 7 December 1983.

Finland. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 16 December 1983.

France. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 26 December 1983. The ratification of Convention No. 158 has been proposed.

Gabon. The instruments adopted at the 68th Session of the Conference were submitted to the President of the Republic on 15 December 1983. Ratification of Convention No. 158 can be expected.

Greece. Convention No. 150 and Recommendation No. 158, adopted at the 64th Session of the Conference, as well as Recommendation No. 162, adopted at the 66th Session, were submitted to Parliament on 30 March 1983.

Honduras. Conventions Nos. 157 and 158 and Recommendation No. 166, adopted at the 68th Session of the Conference, were submitted to Congress on 14 February 1983.

Hungary. The instruments adopted at the 67th and 68th Sessions of the Conference were submitted to the Presidential Council on 25 May 1982 and 6 June 1983, respectively.

Iceland. The instruments adopted at the 67th Session of the Conference were submitted to Parliament on 8 November 1983.

India. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 22 December 1983.

Iraq. The instruments adopted at the 68th Session of the Conference have been submitted to the competent authorities.

Italy. The instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to Parliament.

Jordan. The instruments adopted at the 68th Session of the Conference have been submitted to the Council of Ministers.

Kuwait. The instruments adopted at the 68th Session of the Conference were submitted to the Council of Ministers on 9 February 1983.

Liberia. The instruments adopted at the 65th to 68th Sessions of the Conference have been submitted to the People's Redemption Council.

Luxembourg. The instruments adopted at the 68th Session of the Conference were submitted to the Chamber of Deputies on 7 June 1983.

Madagascar. The instruments adopted at the 68th Session of the Conference were submitted to the People's National Assembly on 26 April 1983. The ratification of Convention No. 158 has been proposed.

Mali. The instruments adopted at the 67th Session of the Conference were submitted to the National Assembly on 12 August 1982.

Malta. Conventions Nos. 149, 151, 152, 154, 155 and 156, as well as Recommendations Nos. 157, 159, 160, 161, 163, 164 and 165, were submitted to the House of Representatives on 28 March 1983.

Mongolia. The instruments adopted at the 67th Session of the Conference have been submitted to the Presidium and to the deputies of the People's Grand Khural.

New Zealand. The instruments adopted at the 68th Session of the Conference were submitted to the House of Representatives on 4 August 1983.

Nicaragua. The instruments adopted at the 68th Session of the Conference were submitted to the Junta on 22 October 1982.

Niger. The instruments adopted at the 65th and 66th Sessions of the Conference have been submitted to the Council of Ministers.

Nigeria. The instruments adopted at the 67th and 68th Sessions of the Conference were submitted to the competent authorities.

Norway. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 17 June 1983.

Panama. The instruments adopted at the 68th Session of the Conference were submitted to the National Assembly on 2 December 1982.

Peru. The instruments adopted at the 67th Session of the Conference were submitted to Congress in May, June and August 1982.

Poland. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 23 February 1983.

Qatar. Convention No. 139, adopted at the 59th Session of the Conference, has been submitted to the competent authorities.

Romania. The instruments adopted at the 67th and 68th Sessions of the Conference were submitted to the National Assembly.

Rwanda. The instruments adopted at the 68th Session of the Conference were submitted to the President of the Republic on 18 May 1983.

Saudi Arabia. The instruments adopted at the 68th 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. The ratification of Convention No. 154 has been proposed.

Spain. Convention No. 144, adopted at the 61st Session of the Conference, and Recommendations Nos. 157, 159, 161 and 162, adopted at the 63rd, 64th, 65th and 66th Sessions of the Conference, have been submitted to Congress. Convention No. 144 has been ratified.

Suriname. The instruments adopted at the 62nd Session of the Conference were submitted to the Council of Ministers on 21 April 1983.

Sweden. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 19 April 1983. Convention No. 158 has been ratified.

Switzerland. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 4 May 1983.

Togo. The instruments adopted at the 66th, 67th and 68th Sessions of the Conference were submitted to the National Assembly in March 1983. The ratification of Conventions Nos. 154, 157 and 158 has been proposed.

Turkey. The instruments adopted at the 68th Session of the Conference were submitted to the Advisory Assembly on 26 November 1982 and to the National Security Council on 28 December 1982.

Ukrainian SSR. The instruments adopted at the 68th Session of the Conference have been submitted to the Presidium of the Supreme Soviet.

United Kingdom. The instruments adopted at the 68th Session of the Conference were submitted to Parliament in November 1983.

United States. Conventions Nos. 145 and 146 and Recommendations Nos. 153 and 154, adopted at the 62nd Session of the Conference, as well as the instruments adopted at the 63rd, 67th and 68th Sessions, have been submitted to Congress.

Uruguay. Conventions Nos. 155 and 156 and Recommendations Nos. 164 and 165, adopted at the 67th Session of the Conference, as well as Convention No. 158 and Recommendation No. 166, adopted at the 68th Session, were submitted to the State Council on 14 September 1983.

Yugoslavia. The instruments adopted at the 68th Session of the Conference were submitted to the Federal Assembly on 27 June 1983. The ratification of Convention No. 158 has been proposed.

Zimbabwe. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 1 July 1983.

International Labour Conference
70th Session 1984

Report III
(Part 4A)

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

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

General Report
and Observations concerning Particular Countries

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

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PART THREE

GENERAL SURVEY ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS CONCERNING WORKING TIME (REDUCTION OF HOURS OF WORK, WEEKLY REST, AND HOLIDAYS WITH PAY)

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

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, paras. 100, 107, 130. I A and B, Nos. 13, 95, 105. III.	Art. 22, Nos. 100, 105, 137, 139, 140, 141, 142.
Albania	I A.	
Algeria	I B, Nos. 13, 32, 42, 62, 105, 127. III.	Art. 22, Nos. 19, 29, 32, 62, 81, 100, 105, 122.
Angola	I B, No. 105.	Art. 22, general. Art. 22, Nos. 27, 29, 89, 105, 111. Subm.
Antigua and Barbuda . . .		Art. 22, No. 81. Subm.
Argentina	I B, Nos. 32, 87, 100, 105, 107.	Art. 22, Nos. 32, 34, 81, 105, 107, 139, 142.
Australia		Art. 22, Nos. 45, 63, 81, 123.
Austria	I B, No. 111.	Art. 22, Nos. 29, 122, 142. Subm.
Bahamas		General Report, para. 84. Art. 22, general. Art. 22, Nos. 17, 42, 81, 117. Subm.
Bahrain		Art. 22, Nos. 29, 81, 89.
Bangladesh	I B, Nos. 81, 107.	Art. 22, Nos. 27, 29, 32, 59, 81, 96, 105, 107, 149. Subm.
Barbados	I B, Nos. 42, 100.	Art. 22, Nos. 63, 81, 118. Subm.
Belgium	I B, Nos. 96, 100, 105, 121.	Art. 22, Nos. 29, 81, 98, 100, 105, 123. Subm.
Belize		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.

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)
Benin	General Report, paras. 100, 107. I A and B, Nos. 18, 33. III.	Art. 22, general. Art. 22, Nos. 13, 29, 105.
Bolivia	I B, Nos. 5, 81, 107. III.	Art. 22, general. Art. 22, Nos. 77, 78, 81, 88, 89, 90, 95, 96, 107, 118, 121, 122, 123, 128, 129, 130, 131, 136.
Botswana	III.	
Brazil	I B, Nos. 98, 107. III.	Art. 22, Nos. 5, 94, 107, 111, 117, 122.
Bulgaria		Art. 22, general. Art. 22, Nos. 29, 79, 138.
Burma	I B, No. 17.	Art. 22, general. Art. 22, Nos. 29, 63. Subm.
Burundi	I B, Nos. 29, 94, 105.	General Report, para. 84. Art. 22, general. Art. 22, Nos. 19, 29, 81, 89, 105.
Byelorussian SSR	General Report, paras. 100, 107. I A.	Art. 22, Nos. 138, 142, 149.
Cameroon	I B, Nos. 29, 77, 78, 94.	Art. 22, Nos. 29, 78, 81, 105, 122, 132. Subm.
Canada	I B, Nos. 1, 105, 111, 122.	Art. 22, No. 63. Subm.
Cape Verde		General Report, para. 84. Art. 22, general. Art. 22, Nos. 17, 29, 81, 100.
Central African Republic	I B, Nos. 33, 62, 105, 119.	Art. 22, general. Art. 22, Nos. 105, 118. Subm.
Chad	General Report, paras. 100, 107, 130. I A and B, Nos. 29, 81, 87, 98, 105. III.	Art. 22, Nos. 6, 13, 26, 29, 52, 81, 87, 105, 111.
Chile	I B, Nos. 18, 29, 30, 63, 111, 127.	Art. 22, Nos. 5, 6, 29, 30, 111, 127. Subm.
Colombia	I B, Nos. 9, 12, 17, 22, 29, 81, 105, 107.	Art. 22, Nos. 5, 29, 62, 81, 99, 105, 107, 129, 136.
Comoros	General Report, para. 107.	General Report, para. 84. Art. 22, general. Art. 22, Nos. 19, 29, 81, 100, 105.

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Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Congo.	General Report, paras. 100, 107. I A and B, No. 119. III.	Art. 22, No. 29.
Costa Rica	I B, No. 102. III.	Art. 22, Nos. 81, 102, 107, 122, 129, 131, 134, 135, 138, 144, 145, 147, 148.
Cuba	I B, Nos. 29, 81, 105, 136.	Art. 22, general. Art. 22, Nos. 29, 81, 105, 111, 136, 151. Subm.
Cyprus	I B, No. 111.	Art. 22, Nos. 29, 105, 123, 143. Subm.
Czechoslovakia	I B, Nos. 29, 111.	Art. 22, No. 63.
Democratic Yemen	III.	Art. 22, Nos. 29, 59, 105.
Denmark.	I B, Nos. 100, 139. II A and B, No. 16.	Art. 22, Nos. 29, 32, 42, 62, 63, 81, 129, 134, 139, 141, 147, 149. Art. 35, Nos. 8, 9, 29, 105, 126. Subm.
Djibouti	I B, No. 105.	Art. 22, general. Art. 22, Nos. 16, 19, 22, 23, 29, 55, 56, 63, 71, 73, 81, 96, 100, 115, 122, 123. Subm.
Dominica	I B, No. 105.	Art. 22, general. Art. 22, Nos. 16, 29, 105. Subm.
Dominican Republic . . .	I B, Nos. 29, 81, 87, 88, 95, 98, 105.	Art. 22, Nos. 29, 81, 100, 105. Subm.
Ecuador	I B, Nos. 103, 105, 107.	Art. 22, Nos. 29, 81, 103, 107, 114, 118, 122, 128, 130, 136, 139, 148, 149. Subm.
Egypt	I B, Nos. 87, 88, 94, 105.	Art. 22, general. Art. 22, Nos. 9, 22, 23, 29, 63, 81, 96, 105.
El Salvador	I B, No. 105. III.	Art. 22, general.
Equatorial Guinea.		Subm.
Ethiopia	I B, No. 87. III.	General Report, para. 84. Art. 22, general. Art. 22, Nos. 87, 88.
Fiji.	General Report, para. 107. III.	General Report, para. 84. Art. 22, general. Art. 22, Nos. 29, 59, 105.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Finland	I B, Nos. 8, 29, 53, 81, 96, 100, 134, 136, 142, 151.	Art. 22, Nos. 62, 63, 118, 134, 136, 138, 139, 148, 149, 151.
France	I B, Nos. 81, 100, 118, 129, 146. II A and B, Nos. 81, 100, 115, 123.	Art. 22, Nos. 96, 118, 125, 134, 136, 147. Art. 35, Nos. 13, 19, 32, 33, 36, 44, 63, 81, 88, 94, 98, 100, 115, 122, 123, 124, 125, 136. Subm.
Gabon	I B, Nos. 87, 105, 135.	Art. 22, general. Art. 22, Nos. 29, 81, 87, 123. Subm.
German Democratic Republic		Art. 22, Nos. 122, 138.
Germany, Federal Republic of	I B, Nos. 22, 29, 136.	Art. 22, Nos. 81, 118, 129, 136, 138, 139, 147. Subm.
Ghana		Art. 22, general. Art. 22, Nos. 29, 81, 100, 105. Subm.
Greece	I B, Nos. 81, 90, 100, 105, 134, 147.	Art. 22, Nos. 5, 13, 29, 69, 81, 98, 105, 134, 136, 147. Subm.
Grenada	General Report, paras. 100, 107. I A.	Art. 22, Nos. 14, 19, 29, 81, 98, 105. Subm.
Guatemala.	I B, Nos. 62, 87, 88, 94, 105.	Art. 22, Nos. 62, 81, 96, 105, 111. Subm.
Guinea	General Report, paras. 107, 134. I B, Nos. 29, 81, 105, 111, 118, 119, 121, 139.	Art. 22, general. Art. 22, Nos. 13, 29, 105, 134, 135, 136, 142. Subm.
Guinea-Bissau		Art. 22, Nos. 19, 27, 29, 81, 100, 105. Subm.
Guyana	I B, No. 42.	Art. 22, Nos. 81, 100, 129. Subm.
Haiti.	I B, Nos. 29, 81, 87, 98, 105.	Art. 22, Nos. 29, 111. Subm.
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Indonesia	General Report, para. 100. I B, No. 29.	Art. 22, Nos. 29, 100. Subm.
Iran, Islamic Republic of	General Report, paras. 100, 130. I B, Nos. 29, 111. III.	Art. 22, Nos. 19, 29, 100, 105, 111, 122.
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Italy	I B, Nos. 32, 108, 118.	Art. 22, Nos. 13, 92, 97, 118, 147. Subm.
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Jamaica	General Report, paras. 100, 107, 130. I A and B, No. 81. III.	Art. 22, Nos. 29, 81, 98, 105, 122.
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Jordan	General Report, paras. 100, 107. I A and B, Nos. 81, 119.	Art. 22, Nos. 29, 81, 100, 105, 106, 118, 135, 142. Subm.
Democratic Kampuchea	General Report, paras. 100, 134. I A. III.	
Kenya	General Report, paras. 100, 107. I A and B, Nos. 17, 29, 105. III.	Art. 22, Nos. 29, 63, 81, 105, 129, 131, 132.
Kuwait	I B, Nos. 81, 87, 136.	Art. 22, Nos. 29, 81, 87, 111, 136.
Lao People's Democratic Republic	General Report, paras. 100, 134. I A. III.	
Lebanon	I A.	

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Liberia	I A and B, Nos. 29, 53, 58, 87, 112, 113, 114.	Art. 22, Nos. 29, 53, 58, 65, 104, 113, 147.
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Nigeria	I B, Nos. 81, 105. III.	Art. 22, general. Art. 22, Nos. 29, 81, 95, 97, 100, 123, 134.
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Papua New Guinea	General Report, paras. 100, 107. I A.	Art. 22, Nos. 29, 42, 105. Subm.
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Poland	General Report, para. 84. I A and B, No. 29.	Art. 22, Nos. 29, 105, 134, 137, 138.
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Switzerland	I B, Nos. 81, 100.	Art. 22, Nos. 29, 81, 136, 150.
Syrian Arab Republic. . .	General Report, paras. 100, 107, 130. I A and B, Nos. 1, 19, 87, 95, 96, 105, 106, 118. III.	Art. 22, general. Art. 22, Nos. 29, 63, 81, 98, 117, 125, 129, 136, 139.
Tanzania	I B, Nos. 17, 29, 81, 88, 105. III.	Art. 22, Nos. 29, 63, 105.
Thailand	General Report, paras. 100, 107. I A and B, No. 105.	Art. 22, Nos. 29, 105, 122, 123. Subm.
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Trinidad and Tobago . . .	General Report, paras. 100, 107. I B, Nos. 87, 98, 111.	Art. 22, Nos. 29, 105, 125. Subm.
Tunisia	I B, Nos. 29, 105, 119. III.	Art. 22, Nos. 29, 59, 73, 81, 100, 105, 113, 117, 118, 122.
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United Kingdom	I B, Nos. 26, 81, 100, 140, 142, 148, 151. II A and B, Nos. 29, 142.	Art. 22, Nos. 26, 69, 105, 140, 147, 148, 151. Art. 35, Nos. 17, 59, 69, 81, 94, 95, 100, 105, 108, 140, 142, 150. Subm.
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Yugoslavia	I B, No. 81.	Art. 22, Nos. 129, 136, 139.
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PART ONE

GENERAL REPORT

GENERAL REPORT

I. INTRODUCTION

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 54th Session in Geneva from 8 to 21 March 1984. The Committee has the honour to present its report to the Governing Body.

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

The Right Honourable Sir Adetokunbo ADEMOLA, 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, KCMG (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; associate member of the Institute of International Law; 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;

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- 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 Council for Commercial
Arbitration; former Professor of Law at the University of
Antananarivo; member of the United Nations International Law
Commission;
- Mr. José María 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. Boon 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; former 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.

3. The Committee elected Sir Adetokunbo ADEMOLA as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee.

4. 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."

5. 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 94 to 119 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 120 to 131 below, and Part Two (III)); and (c) review of reports supplied by governments under article 19 of the Constitution on the Reduction of Hours of Work Recommendation, 1962 (No. 116), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) and Recommendation, 1957 (No. 103), and the Holidays with Pay Convention (Revised), 1970 (No. 132). See paragraphs 132 to 137 below, and Part Three, which is published in a separate volume as Report III (Part 4B).

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

7. The United Nations was represented at the session by Mr. A. Bruni of the Centre for Human Rights.

* * *

8. The Committee was saddened by the death, during its session, of Ian Lagergren, Chief of the International Labour Standards Department, who was struck down at his desk. The Committee held a special sitting to pay tribute to the memory of a man of integrity and generosity of feeling. It wishes to record the esteem and friendship which all its members felt towards Ian Lagergren, as well as its gratitude for the exemplary services which he rendered over a long period of years, to the cause of international labour standards.

II. GENERAL

New Conventions and Recommendations

9. The Committee noted that at its 69th Session (June 1983) the International Labour Conference adopted the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), and the Maintenance of Social Security Rights Recommendation (No. 167).

Obligations binding member States

10. In the course of 1983, 138 ratifications by 25 member States were registered. Of these 138 ratifications, 83 were new and 55 represented the confirmation by Antigua and Barbuda, Belize and Dominica of obligations previously contracted in their names. At 31 December 1983 the total number of ratifications was 5,137. It is encouraging to note that this is more than twice the number of ratifications registered in 1982.

11. In 1983, five new declarations were registered concerning the application of Conventions to non-metropolitan territories of New Zealand and the United Kingdom. Three of these were without modification and two with modifications. In four cases the government concerned stated that it reserved its decision. The total number of declarations at 31 December 1983 included 995 declarations of application without modification and 73 with modifications. The number of non-metropolitan territories was 31 at 31 December 1983.

12. Three denunciations unaccompanied by the ratification of a revised Convention were registered during 1983. These were made by Finland concerning the Night Work (Bakeries) Convention, 1925

(No. 20), by Hungary for the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), and by the United Kingdom for the Protection of Wages Convention, 1949 (No. 95). The total number of denunciations unaccompanied by the ratification of a revised form of the Convention was 45 at 31 December 1983.

Functions in regard to other international and regional instruments

International Covenant on Economic, Social and Cultural Rights

13. 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 1983, 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.

14. In 1983 a new reporting cycle began under the programme of reporting established by the Economic and Social Council. Reports were requested for the second time concerning articles 6 to 9 of the Covenant, dealing with the right to work, the right to just and favourable conditions of work, trade union rights and the right to social security.

15. So far copies of the reports on these articles from 22 States Parties have been transmitted to the ILO in their original language. The States in question are: Byelorussian SSR, Chile, Cyprus, Denmark, Ecuador, Finland, German Democratic Republic, Hungary, Iraq, Japan, Mexico, Mongolia, Norway, Peru, Philippines, Rwanda, Spain, Sweden, Ukrainian SSR, USSR, Venezuela and Yugoslavia.

16. Six of these reports were received on 22 December 1983, the remainder in the course of January and February 1984. In the limited time available between the receipt of the reports and the meeting of the Committee of Experts it was not possible to undertake the necessary detailed analysis of the reports. In these circumstances, the Committee has found it necessary to postpone the examination of the reports to its session in 1985.

European Code of Social Security

17. Under the procedure for the supervision of the European Code of Social Security, copies of reports, including the first report from Greece, were transmitted to the ILO by the Secretary-General of the

Council of Europe on the Code and the Protocol thereto from 12 ratifying States, and 13 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 this session by Mr. F. Millich, Secretary of the Committee of Independent Experts on the Supervision of the Application of the European Social Charter. The conclusions of the Committee on these reports will be communicated to the Council of Europe. The Committee also noted that two representatives of the ILO took part, as technical advisers, in the meeting of the Steering Committee for Social Security of the Council of Europe in October 1983 at Strasbourg, when it 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. The Committee would like to point out, however, that it has never had the opportunity of examining a report from Italy, whose ratification of the Code dates from January 1977. It hopes that the Government of this country will be in a position to transmit a report for examination at its next session.

Collaboration with other international organisations

18. 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, on a consultative basis, the sessions of the Committee of Independent Experts on the Supervision of the Application of the European Social Charter, held in Strasbourg in November 1983 and January 1984. 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. As mentioned earlier, Mr. F. Millich represented the Council of Europe at this session of the Committee.

19. In conformity with the usual practice, copies of reports supplied, under article 22 of the ILO Constitution, on the Indigenous and Tribal Populations Convention, 1957 (No. 107), were sent for comment to the United Nations, the Food and Agriculture Organisation of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the World Health Organisation (WHO). Copies of reports received from American States on the above-mentioned Convention were also sent to the Inter-American Indian Institute (Instituto Indigenista Interamericano) of the Organisation of American States in the context of the collaboration of the ILO in the implementation of the Five-Year Inter-American Indian Action Plan of this 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.

20. Copies were also sent this year of reports 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, UNESCO, and WHO, 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, WHO and the United Nations. 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. UNESCO was represented at this session in respect of Convention No. 142, by Mr. H. Unterbrunner, Chief of the technical and vocational education section.

21. 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 1983, 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 1983. 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

22. The Committee has, since 1981, been considering the matter of the applicability of international labour Conventions to offshore industrial installations and, in 1983, it again invited governments to 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. The Committee expressed regret that it had to date not received any comments from employers' and workers' organisations, and hoped to receive a positive reply from them to its renewed invitation.

23. The Committee has received 19 replies, 11 of which were first replies, the eight others concerning cases on which information had previously been supplied. In all, 46 governments have to date replied to the question. For the first time, this year the Committee received comments from employers' and workers' organisations.

24. First replies were provided in the following cases: Argentina, Austria, Chile, Czechoslovakia, Ireland, Mauritius, Mexico, Rwanda, United Kingdom (St. Helena, Isle of Man), United States.

25. In six cases the governments indicated that there were no offshore industrial installations: Austria, Czechoslovakia, Mauritius, Rwanda, United Kingdom (St. Helena, Isle of Man). In the case of the Isle of Man, however, the information provided shows that a Bill is currently being considered with a view to the establishment of such installations; in referring to the possible application of ILO Conventions, the Government mentions only the maritime Conventions even though offshore installations could from the point of view of the legislation applicable be considered either as merchant vessels or as land-based installations, at least with respect to the anti-pollution measures that would need to be taken in the case of the latter.

26. According to the information provided, various ideas and solutions have been adopted by the other countries mentioned which do have offshore industrial installations. Chile states that its labour and social security legislation and its Constitution apply to all workers, domestic or foreign, employed on fixed or mobile offshore installations. In two federated States (Mexico, United States), the federal labour law and ILO Conventions ratified are considered to be applicable and the Mexican report specifies the geographical coverage of these regulations, i.e. the national territory defined as including platforms and ships flying the Mexican flag. In Argentina, where the experience of offshore installations is but recent and limited, the Government states that it is trying to adapt regulations concerning working conditions on drilling platforms to current labour legislation (this, for example, is the case with respect to working hours and overtime pay, weekly rest periods and annual paid leave) whereas, in the case of ships prospecting in coastal waters, a distinction is made between the naval personnel which is covered by the regulations applicable to seafarers, and the technical personnel which seems to be subject to general labour legislation (at least with respect to hours of work). Finally, the Government of Ireland refers to the application of a Code of Safety Instructions applying to offshore petroleum exploration and production activities in waters under Irish jurisdiction and it also mentions the preparation of a Safety, Health and Welfare (Offshore Installations) Bill, the purpose of which will be to guarantee the workers concerned full protection.

27. As already mentioned above, eight governments which had already answered previously provided further information. In half of the cases the replies simply confirmed the non-existence of offshore installations or the fact that no changes had been made (Bahrain, Burma, Guyana, United Kingdom). However, the governments of Peru and of Poland provided additional information on the legal nature of offshore installations, the legislation applicable or ILO action. In the case of Peru, drilling platforms (the only offshore installations which exist) are considered as items of real estate pursuant to the Civil Code and are situated in zones defined as forming part of the territorial waters of the State. There is no specific legislation, the system applicable being the same as that applied to workers employed (on land) in the petroleum sector except for more favourable provisions provided in collective agreements where these exist. In Poland, offshore drilling platforms are considered merchant vessels and the provisions of the maritime code apply to them. The staff employed on these platforms are treated as crews of seagoing

vessels. However, as far as safety and health are concerned the appropriate provisions governing crude-oil mining resources are applied. Furthermore, the Government viewed favourably the initiative taken by the ILO to undertake studies on the eventual adoption of special standards for workers employed on offshore industrial installations. Lastly, the Committee noted that for the first time comments were forthcoming from employers' and workers' organisations. The organisations in question were from Barbados (Barbados Employers' Confederation and Barbados Workers' Union) which said that they approved the information provided by the Government, and from Norway (mainly the Norwegian Shipping Federation which provided details firstly on the application of the Seamen's Act to Norwegian drilling vessels on the continental shelf and secondly on the application of the provisions relating to national social insurance for workers employed on these vessels outside the continental shelf; the Norwegian Seamen's Union for its part said that it had no comments to make and the Confederation of Trade Unions said it would be sending its comments at a later date).

28. As can be seen from the above, the information available to the Committee is as yet incomplete, both from the quantitative point of view (fewer than one-third of the Members have to date provided information and the comments received from employers' and workers' organisations still constitute the exception rather than the rule), and the qualitative point of view, and has not enabled the Committee to make any significant progress in its assessment of the overall situation in this respect. Reaffirming the importance that it places on the examination that it undertook in 1981, especially with regard to the possible adoption of standards for working conditions in industrial activities at sea, the Committee invites governments to continue sending information on the application of the Conventions to the zones and activities in question. Specifically, it hopes that the information will be such as to clarify the complex problems raised, which mainly part concern the legal nature of offshore industrial installations, the legislation applicable to workers employed on such installations, the type of jurisdiction exercised and the effect of these factors on the scope of application of the ILO Conventions concerned. On the other hand, from a practical point of view, information on protection, safety and health measures taken in various countries which have advanced regulations in this sphere would also be useful for the appreciation of the situation. Finally, the Committee wishes again to express the hope that employers' and workers' organisations will communicate their comments on these matters.

Application of Conventions in export processing zones

29. The Committee continued its consideration of the effect on the application of ratified Conventions of the creation of export processing zones in various parts of the world, as it has been doing since 1981. In 1983, it again invited governments to supply information on this subject in their reports under article 22 of the

Constitution. Employers' and workers' organisations were also invited to send their comments on these questions.

30. This year, the Committee received 18 replies, 11 of which constituted the first time that information had been received on the matter, the seven others coming from countries which had already replied previously. Only one of these (that received from the Government of Barbados) contained comments by employers' and workers' organisations.

31. The 11 new replies received concerned the following countries: Austria, Bangladesh, Chile, Czechoslovakia, Denmark, Ghana, Ireland, Mauritius, Mexico, Rwanda, United Kingdom (St. Helena).

32. In four of these cases (Austria, Czechoslovakia, Rwanda, United Kingdom (St. Helena)) the governments said that there were no export processing zones. One other country (Ghana) said that for some years now efforts have been made to set up a free zone but that this had not yet led to anything substantial.

33. With respect to another group of countries, it was pointed out that the domestic labour legislation applies to workers employed in export processing zones in exactly the same way as it does to workers in other sectors. This was the case of Bangladesh, Chile, Ireland and Mexico. Similarly, in Denmark, the general labour legislation and the legislation in the fields of safety, health and working environment, are applicable and workers are consequently covered by ratified ILO Conventions. The Government does, however, point out that it was referring to the case of two free ports which, in its opinion, did not constitute export processing zones of the type referred to by the Committee in its report.

34. The Government of Mauritius communicated texts of the various relevant provisions on the matter. A specific law on export processing zones (the 1970 Export Processing Zones Act) was adopted in 1970 as part of a development strategy based on the promotion of export-oriented industries. Among the various facilities and incentives granted by this Act to undertakings are a relaxation of the general regulations concerning working conditions. This is particularly so with respect to working on public holidays, overtime and night work for women. Wages and working conditions are set by Regulations made by the Minister under the Industrial Relations Act which applies to the export processing zones as do the Labour Act and the National Pensions Act. The minimum wage rates set by the above-mentioned decrees are, for most of the occupational groups concerned, equal to those applied to other workers. In the export processing zones, there is a age-based differential in wages for male workers (lower for those under 18) which is not found anywhere else. On the other hand, the considerable sex-based wage discriminations are, to a comparable extent, as apparent here as elsewhere. As for the other working conditions, less favourable provisions obtained in the export processing zones with respect to annual leave, sick leave or maternity benefits.

35. A preliminary analysis of the situation in Mauritius shows that the main problems which arise concern the standards contained in ILO Conventions which that country has not ratified (especially Conventions Nos. 100 and 111 on equal remuneration and discrimination in employment and occupation, Convention No. 156 on workers with

family responsibilities and Convention No. 89 on night work for women). Non-compliance, in particular, with the principles of equality of treatment still has a particularly marked effect on the situation in the export processing zones of this country, as the working force is about 80 per cent women to 20 per cent men. A general direct request has been sent to the Government on the subject of the practical application of certain ratified Conventions.

36. Apart from Pakistan, the information provided by the governments which had replied previously merely reiterated that there were no export processing zones (Burma, Guyana, Poland, United Kingdom) or that the general labour legislation is applicable (Liberia and Barbados, where the Barbados Workers' Union points out that the law does not, to the best of its knowledge define an export processing zone or a free trade zone).

37. With respect to Pakistan, the Committee noted in its previous report that the adoption of the Export Processing Zones (Control of Employment) Rules, 1982 (SRO 1003(1)/82) was such as to affect the application of several ratified Conventions in the zones and it had made a general observation to this effect. The answer received from the Government did not provide the specific information requested and so the Committee is repeating its general observation.

38. The Committee has, moreover, noted with interest the information contained in the report of the Asian Regional Team for Employment Promotion (ARTEP) as part of a study undertaken by the ILO on multinational enterprises and employment in export processing zones. Noting that this programme is to be continued and extend to other developing regions, it hopes that the question of the de jure and de facto application of the provisions of relevant ratified Conventions to workers employed in export processing zones, will be considered with particular attention during the course of these studies. In this respect the ARTEP study for Malaysia, the Philippines, Singapore and Sri Lanka stressed the particular interest of ten Conventions (Nos. 1, 81, 87, 89, 98, 111, 131, 136, 139 and 148), and at the same time pointed out that (with the exception of Conventions Nos. 81 and 98), these Conventions had been ratified by only one, if any, of the above-mentioned countries.

39. To date about one-third of the Members have sent the information requested. The picture is still very incomplete, especially as export processing zones have been set up in several countries which have not yet provided information. Furthermore, the Committee can but regret the absence of comments from employers' and workers' organisations on the matter with only one exception, as already indicated. It mentions, furthermore that, in general, when information is not included in the reports under article 22 of the Constitution, governments fail to say to which organisations they have sent copies of this information. In order that it may continue, and consider in greater depth, the examination begun in 1981, the Committee again invites governments who have not yet done so to provide information on the question of export processing zones and on any effect that these zones may have on the application of ratified Conventions. It hopes, moreover, that the governments to which it has made comments will provide the information requested. While referring to the outline of a definition contained in its previous

report (paragraph 47) the Committee would, for the time being at least, like the idea of export processing zones to be understood in the broadest sense as the term has various meanings and the phenomenon is evolving. For example, a recent application of this notion seems to have occurred, or is being envisaged in certain countries of western Europe, in order to promote economic activities and employment in regions or sectors especially affected by unemployment, and the Committee will need information on the nature of these experiments and the social legislation applicable or envisaged. Finally, the Committee would again appeal to employers' and workers' organisations to communicate any comments they may deem appropriate on the subject.

Special studies of the trade union situation and industrial relations systems in selected countries in Europe

40. These studies are being undertaken in response to resolutions adopted by the Second and Third European Regional Conferences held in 1974 and 1979. Their aim is to provide an objective analysis of the trade union situation and industrial relations in the countries concerned and to consider the basic issues which arise in these fields in the light of the relevant ILO standards and principles. In 1983, the Office completed two studies relating to Hungary and Norway, which were discussed by a Working Party of the Governing Body and by the Governing Body itself, at its 225th Session (February-March 1984). The Governing Body authorised their publication, together with the discussions held on them. Two further studies, relating to Spain and Yugoslavia, were embarked upon.

Regional examination of the application of standards

Sixth African Regional Conference

41. The Committee has learned with interest that the Sixth African Regional Conference, held in Tunis from 4 to 13 October 1983, examined in the context of the Report of the Director-General (first item on the agenda) the position of African countries regarding the ratification and application of international labour standards. In the discussion, a number of speakers stressed the importance which should be given to the ILO's standard-setting activities. It was recalled that international labour standards were indispensable for introducing a social dimension into the process of economic development. Several delegates emphasised the importance of the universality of standards. It was noted that the ILO's system of supervision of the application of standards should be an instrument for a dialogue between member States to promote understanding and the proper application of standards. It was also felt that the ILO procedures had, without doubt, helped in the implementation of standards. The discussion also highlighted the problems which African labour administrations have to face in the absence of adequate human and financial resources.

42. In a resolution, the Conference invited African member States to ratify and apply Conventions, especially those dealing with basic human rights and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). It called upon African countries to participate more actively at every stage in the formulation of standards; to co-operate fully with the supervisory machinery for the application of standards; and to strengthen the human, financial and material resources of the services responsible in ministries of labour for relations with the ILO so that they will be able to deal effectively with questions concerning international labour standards as well as having recourse, whenever necessary, to ILO assistance.

Eighteenth Session of the
Asian Advisory Committee

43. The Committee was also informed that the Eighteenth Session of the Asian Advisory Committee, held in Geneva from 21 to 24 November 1983, examined, as the third item on its agenda, the question of ratification and application of international labour standards in the countries of the region. This examination covered for the first time the situation in 11 countries of Western Asia. Moreover, the People's Republic of China also attended the session. The discussion stressed the importance of the increased participation of developing countries in the formulation of standards and also the problems these countries are facing in the application of standards, and in respect of which some governments had called for a more understanding attitude from the Committee.

44. In the conclusions which it adopted on this matter, the Asian Advisory Committee indicated that action should be taken to promote consultation with, and participation of, developing countries at all stages of the standard-setting process. Having considered the difficulties faced by these countries in the application of standards and having noted the value of the different forms of ILO assistance (regional advisers, direct contacts, seminars, etc.), the Asian Advisory Committee suggested that the governments concerned should have recourse more often to these forms of assistance. Employers' and workers' organisations should be fully associated in this process of finding solutions towards a better compliance with obligations arising from the Constitution and Conventions of the ILO. Finally, the Asian Advisory Committee stressed the usefulness of regional reviews of the application of international labour standards, especially those concerning basic human rights and freedom of association.

Seminars on national and international
labour standards

45. The Committee welcomes the continuation of the programme of seminars to promote knowledge and implementation of Conventions and Recommendations. Several such meetings have taken place since the last session of the Committee.

46. National tripartite seminars on international labour standards were held during 1983 in Oslo (Norway) in January, Manila (Philippines) in April, San José (Costa Rica) in July, Panama in November, Tegucigalpa (Honduras) in November, and in Cairo (Egypt) in December. In addition, a seminar designed for government officials was held in Lisbon and Porto (Portugal) in May.

47. A regional seminar on national and international labour standards for officials of Latin America was held in Brasilia (Brazil) in October.

48. A subregional tripartite seminar on the same subject for six English-speaking countries of southern Africa was held in Geneva during the week preceding the 69th Session (June 1983) of the Conference.

49. An African tripartite seminar on freedom of association was held in Tunis (September 1983). Its object was to provide an opportunity for the exchange of information on the situation of employers' and workers' organisations in Africa and to examine problems which confront these organisations as well as to promote a greater understanding of relevant ILO principles and standards.

50. A seminar on maritime standards for senior government officials of Asian countries was organised in Bangkok (Thailand) in September 1983.

51. A seminar on international and comparative labour law, organised by the Turin Centre, had gathered in Geneva from 12 to 16 September 1983, 17 participants (in particular labour law professors) from 12 countries of Latin America.

Constitutional procedures of complaint and other procedures

52. 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 was informed that the Governing Body took note at its 223rd Session (May-June 1983) of the information on the latest developments, in particular the fact that copies of two Presidential Decrees to provide respectively for the application of the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), and the Officers' Competency Certificates Convention, 1936 (No. 53), had been received by the Director-General, Conventions which, according to the comments made by the Committee of Experts, called for legislative measures for their implementation. The Committee refers in this connection to the observations it is making concerning Panama, under the Conventions concerned, in Part IIB, Second Part of this report.

53. As regards the complaint concerning the non-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) made by Workers' delegates to the 68th (1982) Session of the International Labour Conference, the Committee was informed that the Governing Body had

decided, at its 223rd Session, to refer the examination of the case as a whole to a Commission of Inquiry in accordance with article 26, paragraph 3, of the ILO Constitution. The Commission of Inquiry was appointed by the Governing Body at the same session. The Committee of Experts has noted the reports provided by the Government under article 22 of the ILO Constitution concerning the application of these Conventions and has decided to suspend its consideration of them until the Commission of Inquiry concludes its work and adopts its conclusions.

54. As regards other cases examined under articles 24 and 26 of the Constitution concerning the application of the freedom of association Conventions, the Committee was informed that the Committee on Freedom of Association had concluded the examination of the case relating to Argentina, and that at its November 1983 Session the Governing Body noted with satisfaction the major improvements in the trade union situation in Argentina and expressed its conviction that in a new climate of restoration of democracy, it would be possible to ensure trade union normalisation and harmonious development of industrial relations within a very short time. In respect of Turkey, the Committee on Freedom of Association continued its examination of the case, noting in particular the report of the representative of the Director-General who undertook an on-the-spot mission in September 1983.

55. The Commission of Inquiry set up under article 26 of the ILO Constitution to examine the observance by the Dominican Republic and Haiti of certain international labour Conventions (the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Protection of Wages Convention, 1949 (No. 95), 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)) relating to the employment of Haitian workers in sugar-cane plantations in the Dominican Republic, presented its report in May 1983. The report was noted by the Governing Body at its 223rd Session (May-June 1983). At its 224th Session (November 1983), the Governing Body took note both of the report and of the written and oral statements by representatives of the two Governments concerned. The Governing Body also noted that the Committee of Experts would follow developments in the situation arising from the implementation of the recommendations made by the Commission of Inquiry.

56. As regards representations submitted under article 24 of the ILO Constitution, the Committee was informed that a representation alleging the non-observance by Belgium of the Hours of Work (Industry) Convention, 1919 (No. 1), the Night Work (Women) Convention, 1919 (No. 4), the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Night Work (Women) Convention (Revised), 1934 (No. 41), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Night Work (Women) Convention (Revised), 1948 (No. 89), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Social Security (Minimum Standards) Convention, 1952 (No. 102), was examined by a tripartite committee established by the Governing Body, except as regards the aspects relating to Conventions

Nos. 87 and 98 which were referred to the Committee on Freedom of Association. The Governing Body decided at its February-March 1984 Session to conclude the examination of the case, after making certain recommendations to the Government on the basis of the representation, in particular that all relevant information be supplied in the reports concerning the application of the Conventions concerned.

57. In the case of a representation alleging the non-observance by Sweden of the Employment Injury Benefits Convention, 1964 (No. 121), the Committee was informed that the Governing Body, having noted that the circumstances to which the representation referred no longer obtained, that the representation therefore no longer had any purpose, and that Convention No. 121 was now fully observed, decided to declare the closure of the procedure.

58. The Committee was also informed that a representation alleging the non-observance by Chile of the Hours of Work (Industry) Convention, 1919 (No. 1), the Unemployment Convention 1919 (No. 2), the Forced Labour Convention, 1930 (No. 29), the Hours of Work (Commerce and Offices), Convention, 1930 (No. 30) and the Employment Policy Convention, 1964 (No. 122) was being examined by a tripartite committee of the Governing Body.

59. 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 1983 session (226th to 233rd Reports). This applied particularly as regards Argentina (Case No. 842), Bangladesh (Case No. 1214), Belgium (Case No. 1182), Dominican Republic (Case No. 1188), Greece (Cases Nos. 1167, 1193 and 1224), Jamaica (Case No. 1158), Morocco (Case No. 1116), Pakistan (Case No. 1175), Romania (Case No. 1066), and Uruguay (Case No. 1209). Since, in respect of certain of these countries, no report was due for the 1984 Session, the Committee will examine these cases at its Session in 1985.

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

60. On previous occasions the Committee has drawn attention in the general part of its report to issues and problems arising under the Convention in conditions of world economic recession. It is therefore important to note that this year, from its examination of the application of the Convention in 35 countries, the Committee has found some cause for cautious optimism.

61. A large proportion of the reports examined indicate not only that governments are aware of the need to further the underlying aims of the Convention, but also that they are attempting to secure improvements in many ways. It is of particular interest to the Committee to note that many governments of developing countries (including some which have been reporting on the Convention for the first time) have given careful attention to the preparation of a report on the Convention containing as much information as possible in conformity with the report form approved by the Governing Body. The same countries have often had the benefit of UNDP/ILO assistance in

the formulation of employment goals and the implementation of programmes.

62. Several problems appear to be common to groups of ratifying States. For example, in almost all types of economic and social systems there is a growth in the number of women wishing to enter or re-enter the workforce. It is not easy to accommodate this development in many cases and to avoid in consequence problems such as the depression of wage rates or increased unemployment. It would appear that action is being taken by several countries to lessen these difficulties wherever possible. Notable in this context also is the attention given to training (especially of school-leavers) and retraining of workers to match skill needs; and the attention given to those such as the disabled, who otherwise may be at a serious disadvantage in the labour market.

63. Attention was drawn by the Committee in its last report to two particular dangers in circumstances of economic retrenchment: that work might become less productive, and that choice of employment might become more limited. It is apparent from the reports examined this year that there is a considerable danger too that more difficult conditions of world trade may, unless proper safeguards are maintained, lead to excessive pressure being put on those in employment to increase productivity in order to reduce unit costs and so in consequence to reduce the opportunities of employment. This means that the relationship between increased productivity and employment opportunities may in certain circumstances need to be very carefully considered. In some cases, jobs created in the service sector have succeeded in offsetting, at least in part, losses in other sectors. It appears that to maintain a balance has been difficult.

64. Furthermore, failure to achieve the full employment aims of Convention No. 122 is likely to affect directly or indirectly many of the fundamental rights and safeguards to be found in other Conventions. The Committee feels strongly that the link between Convention No. 122 and these other Conventions needs to be uppermost in the minds of those concerned in the implementation of Convention No. 122. The search for full, productive and freely chosen employment may involve a great deal of change and disruption. In these conditions, care should be taken not to lose sight of the inter-related nature of the principles that underpin the work of the ILO and are expressed in its Conventions and Recommendations.

65. It has appeared in the case of a number of countries that it may be particularly desirable in the present difficult economic circumstances to stress the need for decisions of overall economic policy on such questions as public expenditure, and questions of trade or fiscal and monetary policies, to be taken giving full weight to the aims of the Employment Policy Convention and the obligations incurred under it by the governments of States bound. The questions referred to clearly have both direct and indirect consequences for employment. Amongst other things, closer co-ordination may be appropriate in this context between various international organisations concerned, including the International Monetary Fund and the World Bank as well as the ILO, in formulating advice and tendering assistance to governments on matters of economic and employment policy.

66. In accordance with its usual practice, the Committee has considered it appropriate to make the majority of its comments on the application of the Convention by individual countries in the form of direct requests, while making some general comments in the general part of its report. It has noted with interest the attention given by the 1983 Conference Committee on the Application of Conventions and Recommendations to both its general comments and individual observations on the Convention in its last report. The Committee expresses the hope that the experience gained in the ILO and in member States through the process of article 22 reporting and supervision of Convention No. 122 will be helpful in the further discussion of possible new standards on employment policy at the 1984 Session of the International Labour Conference, and in the action to be taken on the resolution concerning employment adopted by the Conference in 1983.

Director-General's Report to the
70th Session of the Conference

67. The Committee was informed that the Director-General's report to the 70th Session of the Conference would contain a special chapter on international labour standards, as a basis for discussion in plenary sitting of the Conference of past experience, current problems and future policy in this field of activity. The Committee will study with close attention the views and suggestions put forward in the course of this discussion, particularly in so far as it relates to ILO supervisory procedures.

III. ACTION FOR THE ELIMINATION OF DISCRIMINATION:
SPECIAL REPORTS ON THE DISCRIMINATION (EMPLOYMENT AND
OCCUPATION) CONVENTION, 1958 (NO. 111), BY COUNTRIES
THAT HAVE NOT RATIFIED IT

68. With a view to strengthening the supervisory procedures on the constitutional obligation of non-discrimination, the Governing Body decided, at its 208th (November 1978) and 209th (March 1979) Sessions, that governments of countries which had not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) should be invited to supply reports under article 19 every four years. In taking this decision, the Governing Body noted that these reports should be called for in addition to those normally requested on other instruments under article 19 and that governments would be invited simply to reply to limited questions, dealing essentially with difficulties of ratification, the measures under consideration to overcome them and prospects of early ratification.

69. Such reports on Convention No. 111 were consequently requested for the first time, in 1979. In 1980, the Committee included in its report a section summarising and commenting on the information received and evaluating the prospects of ratification.

70. In 1983, 46 member States which had not yet ratified the Convention were again invited to supply special reports under article 19 of the Constitution.

71. Convention No. 111 has now been ratified by 106 member States, as compared to 98 in 1980, at the time of the previous examination. It is drafted in terms sufficiently flexible and general to fit circumstances that vary greatly from country to country. It concerns the elimination of discrimination in respect of employment and occupation on the basis of race, colour, sex, religion, political opinion, social origin and national extraction (this last term does not refer to the situation of foreign migrant workers, which is covered by other instruments). The Convention calls on the countries that ratify it to pursue a policy for the elimination of discrimination adapted to national conditions and practice, to repeal or modify any statutory or administrative measures inconsistent with this policy and to adopt positive measures that may help to promote equality of opportunity and treatment in general practice. In 1963 and 1971, after reports on the Convention had been requested under article 19 in accordance with the usual procedure, the Committee devoted two general surveys to the situation in both ratifying and non-ratifying countries. Under the present special use of the article 19 procedure, the Committee, in the following paragraphs, will summarise and comment on the information thus obtained from the countries that have not ratified the Convention and on trends in the prospects of ratification.

72. Of the 46 member States that were asked to supply reports, the following 17 have done so: Bahrain, United Republic of Cameroon, Djibouti, Greece, Indonesia, Japan, Mauritius, New Zealand, Papua New Guinea, Seychelles, Singapore, Tanzania, Togo, United Kingdom, United States, Uruguay and Zimbabwe. Of these 17, New Zealand and Togo have ratified the Convention since information was requested, as have Antigua and Barbuda, Dominica and Saint Lucia, which did not communicate information. The Committee can only point out with regret that information has not been received, at the time of the present examination, from 26 other countries: Bahamas, Belize, Botswana, Burma, Burundi, Comoros, Congo, Democratic Yemen, El Salvador, Equatorial Guinea, Fiji, Grenada, Ireland, Democratic Kampuchea, Kenya, Lao Republic, Luxembourg, Malaysia, Nigeria, San Marino, Sri Lanka, Suriname, Thailand, Uganda, United Arab Emirates and Zaire. It may be hoped that information will be provided shortly by these countries for the use of the Conference and the Governing Body.

73. Of the 15 countries whose reports were to be examined by the Committee, six countries have expressed their intention of ratifying the Convention in the more or less near future. One of them (Greece) has stated that a bill has been submitted to the competent authority for the ratification. Another country (Uruguay) also indicates that the decision for ratification is presently under consideration by a legislative body. Another country (Tanzania) mentions that there are no difficulties to prevent or delay the ratification, which is being considered by the Government, although it is not yet possible to indicate the date. Two of them (United Republic of Cameroon and Seychelles) mention that the legislation and practices have been developed in conformity with the principle of the Convention and the ratification will be considered in the near future. Another country (Japan) indicates, as it did in the previous report, that the ratification is still under active study. It is stated that action

continues to be taken against discrimination based on social origin, although problems still remain to be solved, as they do for the promotion of equal opportunity for women, in particular by eliminating the practice of discriminatory retirement age for women.

74. Nine countries state that ratification is not under consideration for the time being. One country (Bahrain) states, however, that there is no difficulty in ratification, but that it is not yet ripe for decision. Two countries (Zimbabwe and Papua New Guinea) express their intention of giving consideration to possible ratification once the national legislation is adequate (Zimbabwe: a draft labour bill is presently being refined before its presentation to Parliament, although the precise date cannot be given; Papua New Guinea: a modification would be necessary to a provision which does not provide married women the right to participate in the public officers' superannuation fund). Another country (United States) states that the Convention has been under review concerning whether there exist any difficulties for ratification. Difficulties in national law and practice are reported by five other countries. Two of them (Djibouti and Mauritius) refer to the laws which restrict the employment opportunity and affect the treatment of foreign workers (Djibouti: Decree No. 81/103/PR/TR concerning regulation of work of foreigners; Mauritius: Employment (Non-Citizens) Restriction Act, 1970). The Committee may point out that the Convention does not deal with the situation of foreign migrant workers, which is covered by other ILO instruments. One country (United Kingdom) mentions two kinds of discriminatory treatment in the shipping industry. One concerns the wage distinction between UK-based seafarers and certain categories of non-UK domiciled seafarers on board UK ships, which is permitted by the Race Relations Act 1976, although recommendations have been made to eliminate it; and the other concerns the practice of requiring that senior officers manning UK ships and fishing boats be British subjects or Commonwealth citizens. It also refers to the Northern Ireland legislation relating to discrimination in employment (Fair Employment (Northern Ireland) Act, 1976 and Sex Discrimination (Northern Ireland) Order, 1976) which does not provide for the right to appeal for an individual engaged in activities prejudicial to the national security, and does not comply with Article 4 of the Convention. Two other countries (Indonesia and Singapore) refer to the specific social and economic conditions which hamper the ratification (Singapore refers to its multi-racial, multi-religious and multi-lingual society, and indicates that it is not appropriate to legislate).

75. It is to be hoped that the countries which consider ratifying the Convention will be able to do so in the near future and that the countries which encounter certain difficulties will be able to overcome them or re-examine them, in the light of the above considerations, in cases in which there are not real obstacles to ratification. When the Governing Body decided on this special request for reports under article 19 of the Constitution, it invited the Director-General, at the same time, to take measures with a view to encouraging ratification of Convention No. 111 in particular through direct contacts. The Committee has learned with interest that, in several cases, these contacts have already helped governments to make

progress in considering the ratification of the Convention and to establish the means of overcoming the difficulties met with. It hopes that this practice of direct contacts will continue to develop as desired by the Governing Body. The Committee also recalls the procedure for "special surveys", which is general in scope and not limited to countries which have ratified the Conventions. It was adopted by the Governing Body with a view to evaluating facts and seeking solutions in certain situations of discrimination based on criteria laid down in Convention No. 111.

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 took place in 1983 and 1984 in Grenada, the Netherlands, Nicaragua, Suriname and Turkey.

77. Direct contacts took place in Nicaragua in December 1983 and in the Netherlands in January 1984 with respect to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

78. Direct contacts took place within the framework of the procedure of complaints concerning the violation of freedom of association in Turkey in May and September of 1983, and in Suriname and Grenada in August 1983.

79. During 1983, officials from the International Labour Standards Department carried out advisory missions in Chile, Equatorial Guinea and Italy on various problems relating to international labour standards. The mission in Chile followed the discussion held in the Conference Committee concerning the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in that country.

80. Four regional advisers on labour standards whose tasks consist essentially in assisting governments to fulfil their obligations under the ILO Constitution and ratified Conventions visited the following countries: Africa (English-speaking): Kenya, Seychelles, Sierra Leone and Zimbabwe; Africa (French-speaking and Portuguese-speaking): Angola, United Republic of Cameroon, Central African Republic, Congo, Mozambique and Zaire; America: Brazil, Colombia, Costa Rica, Guatemala, Honduras, Panama, Peru and Venezuela; Asia: Burma, Fiji, Indonesia, Nepal, Papua New Guinea and the Philippines.

81. The Committee has also been informed that during 1983, 13 officials of the following countries undertook training periods (normally of two weeks) with the International Labour Standards Department: Czechoslovakia (1), Kuwait (1), Malaysia (1), Mauritius (1), Panama (1), Philippines (2), Romania (2), Somalia (2), Syrian Arab Republic (1) and Swaziland (1). In addition, an official of the

Arab Labour Organisation undertook similar training. A number of further internships are scheduled to take place in the near future.

82. The Committee notes that there was widespread agreement in the Conference Committee (June 1983) that all the activities undertaken by the ILO with a view to providing information, advice, assistance and training in relation to ILO standards are of great value to member States and have produced positive results. A number of members, particularly from developing countries, expressed appreciation of the assistance which their countries had obtained. It was noted, however, that the resources provided in the ILO's budget for these activities is limited. Many speakers in the Conference Committee, as well as in the African Regional Conference and the Asian Advisory Committee, emphasised the need for increased training and assistance by the ILO to assist governments and workers' and employers' organisations in meeting their obligations under the ILO Constitution and ratified Conventions.

V. ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

83. 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.

84. 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

85. 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

¹ An observation has, however, been addressed to Poland and direct requests have been addressed to Comoros and the Libyan Arab Jamahiriya.

² Direct requests have been addressed to the following countries: Bahamas, Burundi, Ethiopia, Fiji and Suriname.

³ An observation has been addressed to Poland and direct requests have been addressed to Cape Verde and to Comoros.

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

86. Since its last session, the Committee has received 102 observations, 23 of which were communicated by employers' organisations and 79 of which were communicated by workers' organisations. This total figure represents an increase of 25 per cent over the one for 1983 which was already the highest number of observations ever received; it shows the ever-growing interest of employers' and workers' organisations in the implementation of ILO standards and it reflects the constant efforts made by the supervisory bodies and the Office to give interested organisations complete information on their role in this area.

87. The majority of the observations (78) received relate to the application of ratified Conventions.¹ Twenty-three observations

¹ Austria: Austrian Confederation of Trade Unions on Convention No. 122, Austrian Congress of Chambers of Labour on Conventions Nos. 122 and 142; Bangladesh: Bangladesh Employers' Association on Conventions Nos. 27, 59 and 107; Brazil: National Confederation of Workers in Credit Enterprises on Convention No. 98; Canada: Canadian Labour Congress on Conventions Nos. 1, 111 and 122; Finland: Central Organisation of Finnish Trade Unions (SAK) on Conventions Nos. 62, 81, 96, 100, 139, 142, 148, 149 and 152, Central Union of Technical Employees' Organisations (STTK) on Convention No. 151, Confederation of Salaried Employees (TVK) on Convention No. 149, Employers' Confederation of Service Industries (LTK) on Conventions Nos. 96, 100 and 142, Finnish Employers' Confederation (STK) on Conventions Nos. 96 and 100, Finnish Marine Officers' Union on Convention No. 53, Finnish Seamen's Union on Convention No. 134; Metalworkers' Union on Convention No. 96; France: National Federation of Maritime Unions (FNSM) on Conventions Nos. 22, 56, 145 and 146; Italy: National Autonomous Union of Workers of the Bank of Sicily on Conventions Nos. 81 and 120; Japan: Japan Confederation of Labour (DOMEI) on Convention No. 100, General Council of Trade Unions of Japan (SOHYO) on Conventions Nos. 87 and 98; Malta: Confederation of Malta Trade Unions (CMTU) on Convention No. 87; the Netherlands: Confederation Netherlands Union Movement (FNV) on Conventions Nos. 87, 103, 129, 140 and 146, Netherlands' Council of Employers' Federations on Convention No. 27, Federation of Christian Trade Unions (CNV) on Conventions Nos. 87 and 140; Norway: Norwegian Federation of Trade Unions on Convention No. 111; Peru: Federation of Fishermen of Peru on Convention No. 56 and 71; Portugal: General Confederation of Portuguese Workers on Conventions Nos. 19 and 74, Portuguese Confederation of Industry on Conventions Nos. 19, 74 and 135; Sweden: Shipowners' Association, Swedish Marine Officers' Association, (Footnote continued on next page)

relate to the reports provided by governments under article 19 of the Constitution, relative to the Reduction of Hours of Work Recommendation, 1962 (No. 116), the Weekly Rest in Industrial Undertakings Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention (No. 106) and Recommendation (No. 103), 1957, and the Holidays with Pay Convention (Revised), 1970 (No. 132).¹ Finally, one observation concerned the submission of instruments to the competent legislative authorities.²

88. The Committee also examined a number of other employers' and workers' organisations' observations whose examination had been postponed from the last session because the observations of the organisations or the replies of the governments had arrived just before or just after the session.

89. The Committee notes that, of the observations received this year, 34 were transmitted directly to the ILO, which, in accordance with established practice, referred them to the governments concerned for comment. In 68 cases the governments transmitted the

(Footnote continued from previous page)

Swedish Engineer Officers' Association, Swedish Seamen's Union on Convention No. 92; Turkey: Turkish Confederation of Employers' Associations on Convention No. 119; the United Kingdom: Trades Union Congress on Conventions Nos. 16, 26, 81, 100, 142, 147 and 151.

In addition, observations have been received from the International Confederation of Free Trade Unions on the application of Conventions Nos. 29, 111 and 122 in the USSR; from the World Confederation of Labour on the application of Conventions Nos. 9 and 114 in Uruguay and on the application of Convention No. 26 in Czechoslovakia; and from the International Federation of Building and Woodworkers on the application of Convention No. 96 in Bangladesh, Pakistan and Sri Lanka.

¹ Australia: Confederation of Australian Industry; Austria: Austrian Congress of Chambers of Labour; Finland: Confederation of Salaried Employees (TVK), Employers' Confederation of Service Industries (LTK), Finnish Employers' Confederation (STK), Central Organisation of Finnish Trade Unions (SAK); India: Hind Mazdoor Sabha; Italy: Association for Petrochemical and Allied Concerns (ASAP), Confederation of Commerce (CONFCOMMERCIO); Japan: Japan Confederation of Labour (DOMEI), General Council of Trade Unions of Japanese (SOHYO); Malaysia: Congress of Malaysian Unions, Congress of Public Employees' Unions, Federation of Malaysian Employers; Mexico: Confederation of Mexican Workers; Portugal: Confederation of Portuguese Industry (CIP), General Confederation of Portuguese Workers (CGTP); Somalia: Chamber of Commerce, Industry and Agriculture, General Federation of Trade Unions; Switzerland: Union of Swiss Trade Unions (USS); United Kingdom and United Kingdom (Guernsey, Isle of Man, Jersey): Trades Union Congress (TUC).

² Australia: Australian Council of Trade Unions.

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.

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

91. 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 the matters dealt with in its observations have touched on a wider array of Conventions than in preceding years: the right to organise and the right to collective bargaining, employment policy, equal remuneration, minimum wage, human resources development, fee-charging employment agencies, labour inspection, maritime work, and so forth.

92. The Committee once again wishes to stress the continuing interest that it attaches to receiving from employers' and workers' organisations observations 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 paragraphs 60 to 66 of this report). The Committee also wishes to receive for review at its next session more comments from these organisations on the question of the application of ratified Conventions to offshore industrial installations and in export processing zones (see paragraphs 22 to 39 of this report).¹

93. The Committee notes with interest the continuing increase, since its last session, in the number of ratifications of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which has now received 35 ratifications. The Committee hopes that, in accordance with the favourable ratification prospects noted in the General Survey on the Convention in 1982,² many countries will be able to ratify it.

¹ Comments were received from the following organisations:
Barbados: Confederation of Employers, Barbados Workers' Union (offshore industrial installations and export processing zones);
Norway: Confederation of Trade Unions, Norwegian Shipping Federation (offshore industrial installations).

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

94. 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.

95. 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 1983, were due to be examined this year in respect of 40 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

96. A total of 1,737 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, 1,388 of these reports have been received by the Office. This figure corresponds to 79.9 per cent of the reports requested, compared with 80.8 per cent last year. The Committee regrets that, as indicated in paragraph 107 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.

97. In addition, 378 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, 242 reports, or 64 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.

98. Apart from the above-mentioned reports, 47 governments also supplied general reports on the Conventions for which detailed reports

¹ Conventions Nos. 5, 10, 13, 16, 19, 27, 28, 29, 32, 33, 34, 48, 53, 59, 60, 62, 63, 69, 73, 74, 81, 85, 96, 100, 105, 113, 118, 123, 125, 129, 134, 135, 136, 138, 139, 141, 142, 147, 151, 152.

were not due for the period under review: Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Burundi, Canada, Colombia, Costa Rica, Cuba, Cyprus, Djibouti, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Democratic Republic of Germany, Ghana, Guinea-Bissau, India, Kuwait, Liberia, Malawi, Malaysia, Mexico, Mozambique, Netherlands, New Zealand, Philippines, Poland, Saudi Arabia, Sierra Leone, Singapore, Spain, Sri Lanka, Switzerland, Tanzania, Uganda, United Kingdom, United States, Venezuela, Yugoslavia.

99. 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

100. 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, 32 governments have not complied with their obligation to supply reports on ratified Conventions. Thus, all or the majority of the reports due this year has not been received from the following countries: Afghanistan, Benin, Byelorussian SSR, Chad, Congo, Grenada, Iceland, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Jamaica, Jordan, Kenya, Lesotho, Mauritania, Nepal, Niger, Papua New Guinea, Paraguay, Saint Lucia, Sao Tome and Principe, Seychelles, Somalia, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Upper Volta, Yemen. In two cases no reports have been received for several years: Democratic Kampuchea and the Lao Republic.

101. 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

102. The Committee again feels it necessary to stress the importance of communicating reports in due time. Reports are requested on ratified Conventions at the latest 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.

103. The Committee observes that on 15 October 1983 the proportion of reports received was 13.5 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 1983.

104. The Committee can only express its great concern over this state of affairs, despite the relief that the system of reporting frequency which was first used in 1977 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

105. A total of 111 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 1980: Iraq (Convention No. 139); since 1981: Iraq (Convention No. 145), Niger (Convention No. 81); since 1982: Upper Volta (Convention No. 150), Iraq (Conventions Nos. 149, 150), Niger (Convention No. 131). Particular importance attaches to the first reports, on the basis of which the Committee makes its initial assessment of the observance of ratified Conventions. The Committee therefore requests the governments concerned to make a special effort to supply these reports.

Replies to comments of the supervisory bodies

106. 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 26 governments contacted in this way, only 7 have sent the information requested.

107. 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 133 cases,¹ by comparison with 128 last year and 151 the previous year. The Committee is therefore obliged to repeat the observations or direct requests already made on the Conventions in question.

108. 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

109. 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

110. In the majority of cases, the Committee has found that no comment is called for regarding the way in which ratified Conventions

¹ Afghanistan: Conventions Nos. 13, 100, 139, 141, 142; Benin: Conventions Nos. 13, 18, 29, 33, 105; Byelorussian SSR: Conventions Nos. 29, 138, 142, 149; Chad: Conventions Nos. 29, 81, 100, 105; Comoros: Conventions Nos. 19, 29, 100, 105; Congo: Conventions Nos. 29, 119; Fiji: Conventions Nos. 29, 59, 105; Grenada: Conventions Nos. 19, 29, 81, 98, 105; Guinea: Conventions Nos. 13, 29, 105, 118, 121, 135, 142; Iceland: Conventions Nos. 29, 100, 105, 111; Iraq: Conventions Nos. 15, 29, 30, 59, 81, 92, 115, 118, 122, 136; Ireland: Conventions Nos. 29, 100, 118, 138, 142; Jamaica: Conventions Nos. 29, 81, 111, 122; Jordan: Conventions Nos. 29, 105, 106, 118, 119, 135, 142; Kenya: Conventions Nos. 17, 29, 63, 81, 105; Mauritania: Conventions Nos. 29, 53, 62, 81, 94, 111, 122; Nepal: Conventions Nos. 100, 111; Papua New Guinea: Conventions Nos. 29, 42, 105; Paraguay: Conventions Nos. 29, 81, 98, 100, 105, 107; Saint Lucia: Conventions Nos. 87, 95, 98, 105; Seychelles: Conventions Nos. 8, 29, 87, 105; Somalia: Conventions Nos. 29, 105; Suriname: Conventions Nos. 29, 81, 105, 118, 122; Syrian Arab Republic: Conventions Nos. 29, 63, 81, 105, 125, 129, 139; Thailand: Conventions Nos. 29, 123; Trinidad and Tobago: Conventions Nos. 105, 125; Upper Volta: Conventions Nos. 13, 18, 29, 33, 81, 95, 129, 131, 132, 143; Yemen: Conventions Nos. 29, 87, 98, 131, 135.

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.

111. 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 1984.

112. 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.

Practical application

113. As in previous years, the Committee has been concerned with assessing, 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.

114. The following countries have provided information on practical application in more than half the reports concerned: Argentina, Austria, Bahrain, Belgium, Brazil, Canada, Ecuador, Finland, German Democratic Republic, Greece, Guatemala, Indonesia, Japan, Kuwait, Liberia, Libyan Arab Jamahiriya, Netherlands, New Zealand, Norway, Philippines, Portugal, Rwanda, Sri Lanka, Sweden, Switzerland, Tanzania, Togo, United Kingdom, Uruguay, Venezuela, Zaire.

115. 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. Twelve 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.

116. The Committee notes, however, that only some 39 per cent of the reports supplied on Conventions for which information on practical application was specifically requested contained such data. This percentage is appreciably lower than those of the preceding two years, 47 per cent and 52 per cent respectively. The Committee is bound to be concerned by this reduction in the amount of information received, without which it is unable to form a clear idea of the extent to which ratified Conventions are effectively applied. It therefore appeals to governments to make every effort to include the information requested in their future reports. Direct requests on this matter have been addressed to certain countries which have not replied to the questions in the report forms on practical application. 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.

Cases of progress

117. 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 56 instances in which measures of this kind have been taken, in 39 States and 3 non-metropolitan territories. The full list is as follows:

<u>Countries</u>	<u>Conventions Nos.</u>
Argentina	87, 105
Barbados	42
Belgium	100, 121
Burundi	29
United Republic of Cameroon	77
Chile	63
Colombia	105
Costa Rica	102
Cuba	81, 136
Denmark	139
Djibouti	105
Dominica	105
Egypt	87
El Salvador	105
Finland	29, 134, 136
France	100
Federal Republic of Germany	136
Greece	100, 134
Guatemala	62, 88
Haiti	81

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<u>Countries</u>	<u>Conventions Nos.</u>
Italy	108
Kuwait	81, 136
Mexico	134
Nicaragua	2, 87
Norway	100
Panama	53, 56, 68, 73
Peru	62
Philippines	53
Spain	111
Sudan	95, 117
Sweden	96
Syrian Arab Republic	111
Tanzania	17
Turkey	42, 119
Uganda	123
Ukrainian SSR	29
USSR	29
United Kingdom	148
Yugoslavia	81
<u>Non-Metropolitan Territories</u>	
<u>France</u>	
New Caledonia	123
<u>United Kingdom</u>	
Hong Kong	142
St. Helena	29

118. 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.

119. 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: Costa Rica (Convention No. 148), Honduras (Convention No. 27), Netherlands (Convention No. 146), Norway (Convention No. 138), Peru (Convention No. 151), Swaziland (Conventions Nos. 45, 81, 89, 90, 101), Uruguay (Convention No. 119).

VII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS
TO THE COMPETENT AUTHORITIES
(Article 19 of the Constitution)

120. 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 68th (1982) Session of the Conference: the Maintenance of Social Security Rights Convention (No. 157); the Termination of Employment Convention (No. 158) and Recommendation (No. 161); and the Protocol to the Plantations Convention, 1958 (No. 110);
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from its 31st (1948) to its 67th (1981) Sessions to the competent authorities (Conventions Nos. 87 to 156 and Recommendations Nos. 83 to 165);
- (c) replies to observations and direct requests made by the Committee in 1983.

68th Session

121. The Committee notes with interest that the Governments of the following 50 member States have indicated that they have submitted to the authorities considered by them to be competent the instruments adopted by the Conference at its 68th Session: Argentina, Australia, Bahamas, Bahrain, Barbados, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Colombia, Comoros, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, Finland, France, German Democratic Republic, Honduras, Hungary, India, Iraq, Italy, Ivory Coast, Jordan, Kuwait, Liberia, Luxembourg, Madagascar, Mozambique, Nicaragua, Nigeria, Norway, New Zealand, Panama, Romania, Rwanda, Saudi Arabia, Sweden, Switzerland, Togo, Turkey, Ukrainian SSR, United Kingdom, United States, Yugoslavia, Zimbabwe.

31st to 67th Sessions

122. The Committee notes with interest that considerable 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: Burundi (numerous instruments

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, 70th Session, Geneva (1984).

adopted from the 62nd to the 68th Sessions), Comoros (65th to 68th Sessions), Ivory Coast (numerous instruments adopted from the 62nd to the 68th Sessions), Malta (numerous instruments adopted from the 63rd to the 67th Sessions), Mozambique (numerous instruments adopted from the 63rd to the 68th Sessions), Spain (numerous instruments adopted from the 61st to the 66th Sessions).

123. 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 overall position in this respect for the instruments adopted from the 31st to the 68th Sessions of the Conference.

General aspects

124. The Committee notes with concern, however, that a number of countries are late, sometimes seriously, in submitting the instruments adopted by the Conference. In other cases, submission does not appear to have been accompanied by proposals on the action to be taken concerning the instruments being considered.

125. The Committee wishes to stress that submission to the competent authorities of the instruments adopted by the Conference is a fundamental obligation which constitutes the indispensable first step in implementing international labour standards. In order that national authorities may be kept up to date on the standards adopted at the international level which may require a change in action in each State so as to give effect to them at the national level, submission should be done as early as possible and in any case within the time limits set by article 19 of the ILO Constitution.

126. Submission has a double purpose: to bring Conventions and Recommendations before the body empowered to give effect to them at the national level, and to bring them to the attention of occupational organisations and, more generally, to that of the general public. In order that the competent authorities may decide on the action which should be taken, submission should be accompanied or followed by proposals on what should be done concerning the instruments under consideration. It is in any case desirable to make a clear distinction between the obligation to submit these instruments and the decision, which is up to each State, on whether to ratify or adopt them. Governments remain entirely free to propose immediately any action which they may judge appropriate in respect of Conventions and Recommendations. The principal aim of submission is to encourage a rapid and responsible decision by each country on the Conventions and Recommendations adopted by the Conference.

Comments by the Committee and replies from governments

127. 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.

128. 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.

129. The Committee wishes to point out once more the importance of the communication by governments of the information and documents called in 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

130. The situation 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 (62nd to 68th) have in fact been submitted to the competent authorities: Afghanistan, Chad, Islamic Republic of Iran, Ireland, Jamaica, Malawi, Qatar and Syrian Arab Republic.

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

131. 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 noted at its 53rd Session that the Commission of European Communities had transmitted a communication to the Council of Ministers of the Communities in which it referred to the principles of the ILO Constitution and described the procedure which should be followed in this case for consultation with the social partners in the countries concerned. The Committee notes with interest the information communicated this year by some of these countries on the results of this consultation. It hopes that all the governments of the Communities will furnish information on the implementation of the procedure and on any decisions which may have been made on this subject.

VIII. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS
(Article 19 of the Constitution)

132. 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 Reduction of Hours of Work Recommendation, 1962 (No. 116), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and Recommendation, 1957 (No. 103), as well as the Holidays with Pay Convention (Revised), 1970 (No. 132). The Committee notes with interest that reports have been received from China for the first time since it resumed its active participation in ILO activities.

133. Of a total of 591 reports requested, however, only 396 have been received.¹ The Committee regrets to note that this represents 67 per cent of the reports requested, which is lower than the average figure for recent years, which was more than 70 per cent.

134. More particularly, the Committee notes with regret that Guinea, Honduras, Democratic Kampuchea, and the Lao Republic 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.

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

136. Part 3 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 three members of the Committee, appointed by it.

* * *

137. 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, 21 March 1984.

(Signed) Adetokunbo Ademola,
Chairman.

E. Razafindralambo,
Reporter.

¹ ILO: Summary of reports (articles 19, 22 and 35 of the Constitution), Report III (Parts 1, 2 and 3), International Labour Conference, 70th Session, 1984.

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

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, 79, 87, 98, 100 and 112).

Benin

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.

Byelorussian SSR

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.

Chad

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.

Congo

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.

Grenada

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.

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 report on the application of ratified Conventions.

Iraq

The Committee notes that most of the reports due, including four first reports, have not been received. It hopes that the Government will in future make every effort to discharge its obligation to report on the application of ratified Conventions.

Ireland

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.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Jamaica

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.

Jordan

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

Democratic Kampuchea

In the absence of any report, once again 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 most of the reports due, including one first report which has been due for three years (Convention No. 140), 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 again notes with regret that 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 refers to the comments that it made in previous years concerning the application of ratified Conventions. It notes the information provided by the Government in its reports and hopes that appropriate measures would be taken to ensure the application of these Conventions as soon as national circumstances would make it possible.

Lesotho

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.

Liberia

The Committee again refers to its comments made under Conventions Nos. 22, 23, 53, 55, 58, 92, 108, 112, 114 and 147, and to the draft decrees communicated by the Government which are intended to give effect to a number of these Conventions. It trusts that these decrees will be adopted in the very near future and that they will take account of its comments to ensure full conformity with all ratified Conventions.

Mauritania

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

Nepal

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.

Niger

The Committee notes with regret that once again most of the reports due, including two first reports (Convention No. 81, on which a report has been due for three years and Convention No. 131, on which a report has been due for two years), have not been received. It trusts that the Government will not fail in future to discharge its obligation to supply all the reports due on the application of ratified Conventions.

Pakistan

The Committee has noted the information communicated by the Government to the 69th Session of the Conference and in its reports under article 22 of the ILO Constitution according to which the measures exempting the export processing zones from the application of certain labour laws have been taken to attract foreign capital and to

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

promote export industries. The Government also states that they are of a temporary nature and in no way impinging on the rights of workers. As the Government does not provide the specific information requested in the previous observation, the Committee again asks the Government to supply a detailed report on the manner in which 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 are applied in the export processing zones. The Government is requested also to supply the texts of any directives, regulations, orders or other legislative texts adopted in this connection.

Papua New Guinea

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.

Paraguay

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.

Poland

The Committee notes the Government's statement in its reports that it is unable to apply article 23 of the ILO Constitution until the process of creating the trade union structures at a level above that of the undertakings, as provided under section 53 of the Trade Union Act, has been concluded. The Committee hopes that it will be possible in the near future for the Government to communicate copies of the report supplied under articles 19 and 22 of the Constitution to the representative organisation of employers and workers, in conformity with article 23, paragraph 2, of the Constitution.

Saint Lucia

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

Sao Tomé and Príncipe

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.

Seychelles

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.

Somalia

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.

Suriname

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.

Syrian Arab Republic

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

Upper Volta

The Committee notes with regret that once again the reports due including one first report on which a report has been due for two years (Convention No. 150) have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Yemen

The Committee notes 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.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Benin, Bolivia, Bulgaria, Burma, Burundi, Cape Verde, Central African Republic, Comoros, Cuba, Djibouti, Dominica, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Guinea, India, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Qatar, Romania, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates.

B. INDIVIDUAL OBSERVATIONS**Convention No. 1: Hours of Work (Industry), 1919**Canada (ratification: 1935)

The Committee has noted the observations presented by the Canadian Labour Congress in its communication dated 22 September 1983, which were sent to the Government on 13 October 1983. The Government has so far not made any comments on the matter.

The Canadian Labour Congress in its observations raised the question of the application of the Convention in British Columbia, in relation to Bill No. 2 to amend the Public Service Labour Relations Act.

The Committee notes that section 1(1) of the Act excludes persons employed by or in the services of: (i) a Crown corporation; (ii) the Queen's Printer other than clerical or administrative employees; (iii) the British Columbia Utilities Commission; and (iv) the British Columbia Development Corporation. It further notes that the provisions referred to in these observations, namely section 13(c) of the Act and section 13(1)(c) of the Bill, relate to the "organisation, establishment and administration of the ministries and branches of the Government".

The Committee recalls that the Convention, under the terms of its Article 2, applies to industrial undertakings public or private or any branch thereof, the term industrial undertaking being defined in its Article 1. The Committee requests the Government to indicate whether and to what extent the existing provisions of the Public Service Labour Relations Act and its proposed amendment may affect employees of public industrial undertakings, particularly as regards hours of work.

Iraq (ratification: 1965)

Article 6, paragraph 1, of the Convention. The Committee again points out that 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 this provision of the Convention, which authorises temporary exceptions only to enable establishments to deal with exceptional cases of pressure of work. The Committee again expresses the hope that the Government will shortly be able to take the necessary measures to bring the legislation into conformity with this provision of the Convention.

Article 8. The Committee notes that the draft regulations concerning labour inspection, which are to contain provisions on the posting of timetables of work and rest periods have still not been adopted. It hopes that this draft will be adopted in the near future.

Peru (ratification: 1945)

The Committee has noted the information communicated by the Government to the Conference Committee in 1983 and in its report. It notes that the new draft legislation which was mentioned at the Conference has not yet been adopted. The Committee hopes that provisions will be adopted very soon to ensure that hours of work in excess of 8 a day and 48 a week will be authorised only under the conditions laid down in Articles 3 to 6 of the Convention.

Syrian Arab Republic (ratification: 1960)

Article 6 of the Convention. With reference to its earlier comments, the Committee takes note with interest of the draft Legislative Decree to amend section 117 of the Labour Code with a view to limiting the presence of the worker at the workplace in accordance with the Convention, and to having intermittent work and the hours of presence at the workplace of workers carrying it out determined by ministerial order. The Committee hopes that the draft Legislative Decree will be adopted in the near future and that the provisions concerning intermittent work will be adopted after consultation with the organisations of employers and workers concerned.

* * *

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

Convention No. 2: Unemployment, 1919Nicaragua (ratification: 1934)

Article 2, paragraph 1, of the Convention. (a) Further to its previous observations and direct requests, the Committee notes with satisfaction that the Organisational Regulations of the Ministry of Labour, published 2 June 1982, provide for the establishment of a system of free employment offices under the Department of Employment and Salaries. The Government indicates that the employment services are functioning in the city of Managua, and have begun their work in the rest of the country.

(b) The Committee also notes with satisfaction that the above-mentioned Regulations provide for a National Council on Employment and Salaries, whose members include representatives of employers' and workers' organisations, to advise, amongst other things, on matters concerning the rational use of human resources. The Government indicates that the Council is expected to begin its work in 1984.

Convention No. 3: Maternity Protection, 1919Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes that the Government's report contains no reply to its previous comments. It must therefore repeat its previous observation (1983), which read as follows:

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, six 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.

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

Bolivia (ratification: 1954)

1. The Committee notes with interest from the Government's reply to its earlier comments that it intends to amend section 58 of the General Labour Act, which authorises the employment of children under 14 years of age as apprentices, in order to give full effect to Article 2 of the Convention and to remove the discrepancy existing at present between this section of the Act and section 66 of the Minors' Code. The Committee hopes that this amendment will be adopted in the near future and that the Government will indicate any progress made in this respect.

2. The Committee recalls that in its previous comments it has also requested the Government to take measures to repeal explicitly section 1 of the Decree of 21 September 1929 prohibiting the employment of children under 10 years of age and those over 10 years of age who have not completed their compulsory primary education, unless it is indispensable to ensure their subsistence or that of their parents or brothers and sisters. As this provision is contrary to Article 2 of the Convention, the Committee would be grateful if the Government would also provide information on any progress made to this end.

India (ratification: 1955)

The Committee notes the information supplied by the Government in its last report concerning the measures taken to ensure observance of the legislation relating to the employment of children.

The Committee has also noted documents submitted by the Anti-Slavery Society and the International Commission of Jurists to the United Nations Working Group on Slavery, August 1983, and referred to in the report of the Working Group (United Nations document E/CN.4/Sub.2/1983/27). It appears from these documents that the employment of children below the statutory minimum age is still widespread in certain industries such as the match and fireworks industry in the Ramanathapuram district of Tamil Nadu State. It is stated that the Government is aware of the child labour situation in these industries, since it has been dealt with in official reports (the Harbans Singh report of 1976 and the Gurupadaswamy report of 1979), but that no effective action has been taken to correct the situation.

The Committee requests the Government to provide information on the measures taken or contemplated in regard to the situation

described in the above-mentioned documents, and more generally to ensure the effective observance of the relevant statutory provisions.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Singapore (ratification: 1965)

Article 2 of the Convention. Further to its previous observations, the Committee notes from the Government's report that the review of the legislation concerning the employment of children in industrial undertakings, to which the Government referred in its previous report, has not been completed. The Committee again expresses the hope that the revised legislation will be adopted in the very near future and that it will give full effect to the Convention, by removing the exception provided for in the Employment (Amendment) Act, 1975, and in section 4 of the Employment of Children and Young Persons Regulations, 1976.

The Committee hopes that the Government will indicate the progress made in this respect in its next report.

[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: Brazil, Chile, Colombia, Greece, Venezuela.

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

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

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

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

Finland (ratification: 1950)

With reference to its earlier comments, the Committee takes note of the information furnished in the report of the Government to the effect that in practice no specific case has been observed in which the application of sections 23, subsection 2, and 53 of the Seamen's Act (No. 423) has conflicted with the protection afforded seamen by Article 2 of the Convention. The Committee asks the Government in forthcoming reports to communicate any decision that may have been taken concerning such cases.

Seychelles (ratification: 1978)

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:

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.

* * *

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

Convention No. 9: Placing of Seamen, 1920Colombia (ratification: 1933)

Further to its previous observations, the Committee has noted the information supplied by the Government to the Conference Committee in 1983 and in its report.

1. The Government refers to the need for comprehensive studies in collaboration with the trade unions as to the possible repercussions of measures to guarantee that placement of seamen is not carried on for profit and regarding the State's capacity to provide an effective employment service. The Government considers it impossible suddenly to end the deep-rooted system of placement services operating for profit and in secret, without creating alarming social imbalances. It has indicated that the National Employment Service (SENALDE) has engaged in talks with seamen's organisations with a possible view to setting up a system of agreements to replace private agencies altogether. As regards Article 2 of the Convention, the Government also stated in information supplied to the Conference, that

it was studying the possibility of reinforcing the system of supervision and penalties relating to fee-charging employment agencies in general. In this connection, the Committee notes from the report that Decree No. 1433 of 1983 has been adopted to control private agencies more closely with a view to their abolition.

The Committee notes with particular interest that assistance is at present being given by an ILO expert, who is preparing draft legislation in line with ILO Conventions, dealing, inter alia, with the problem of placement of seamen in the light of national conditions, and that tripartite consultations on this subject are apparently continuing. The ILO expert is due to complete his project by June 1984.

While it fully appreciates the financial and social complexity of the question of abolishing commercial operations for the placement of seamen, as required by Article 2, the Committee recalls that this matter has been the subject of observations for many years. In addition, following interventions by employers' and workers' representatives, the Conference Committee expressed the hope that the necessary measures would be taken to bring about conformity with the Convention. In this light, the Committee looks forward to receiving information on further developments. It would be glad if the Government would supply a copy of Decree No. 1433 of 1983, together with details of measures taken or envisaged for the application of the whole of the Convention, following the completion of the ILO assistance project.

2. 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 22 regional offices of SENALDE are operating; in addition it is hoped that SENALDE's talks with seamen's unions will lead to further co-operation in this respect. In the meantime, the Committee notes that not all ports have SENALDE offices. The Committee recalls the Government's previous indications that it was examining the possibility of financing SENALDE's activities in the light of the Convention's requirements. It hopes the Government will provide full information, including available statistics required by Article 10.

3. Article 5. The Committee notes the Government's view that the discussions between SENALDE and the seamen's unions and the ILO expert's assistance will promote the implementation of this Article, which requires the establishment of committees consisting of an equal number of representatives of shipowners and seamen to advise on the carrying on of seamen's employment offices. The Committee hopes that the Government will provide full information in its next report.

* * *

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

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

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

Convention No. 12: Workmen's Compensation (Agriculture), 1921Colombia (ratification: 1933)

The Committee notes the information furnished by the Government to the Conference Committee in 1983 and in its reports (received in October 1983 and January 1984). It notes with interest that by virtue of Decree No. 1341 of 1982, a Committee for the Modernisation of the Labour Legislation has been set up and that it is preparing amendments to bring the labour laws up to date and adapt them to the Conventions that have been ratified.

The Committee expresses the hope that the amendments in question will be carried out shortly so as to ensure that, while the scope of the social security scheme is being extended to cover the whole national territory, all agricultural workers without exception receive compensation for occupational accidents equivalent to that laid down by the social security scheme.

Convention No. 13: White Lead (Painting), 1921Afghanistan (ratification: 1959)

In reply to the Committee's observations over a number of years, the Government stated to the Conference Committee in 1980 and in its report supplied in the same year, that, pending the adoption of a new Labour Code by the Council of the Revolution, it was considering the possibility of issuing a decree based on the text prepared in 1974 during direct contacts with a representative of the Director-General of the ILO. The Government added that the draft of this decree, which was to give effect to the Convention, had been submitted to the Ministry of Justice in March 1980.

As the Government has provided no report, the Committee has no information on the adoption of this decree or of the Labour Code. It is thus bound to return to the question and trusts that the necessary measures will be taken very shortly to give effect to the Convention and that the Government will indicate the progress made in this connection.

Algeria (ratification: 1962)

The Committee has noted the information provided by the Government in its report received in 1984. It has noted in particular that a series of regulatory texts relating to workers'

health have been elaborated and are on the point of adoption. It further notes that these texts are linked to the issue of the basic texts (laws and decrees) stipulating the general principles.

The Committee would recall again that, although the Government refers to its report of 1982, in which it indicated that the legislation that previously applied the Convention continues to be applied in practice, this legislation had been repealed by Ordinance No. 73-29, which came into force on 5 July 1975. The Committee therefore again expresses its hope that legally binding provisions, the texts of application as well as the basic texts referred to by the Government, ensuring the application of the Convention will be adopted shortly and will give full effect to the various provisions of the Convention. The Committee also hopes that copies of the legislation thus adopted will be supplied with the next report.

[The Government is asked to report in detail for the period ending 30 June 1985.]

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In addition, requests regarding certain points are being addressed directly to the following States: Benin, Chad, Greece, Guinea, Italy, Mexico, Morocco, Nicaragua, Romania, Sweden, Upper Volta.

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

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

Requests regarding certain points are being addressed directly to the following States: Grenada, Malaysia.

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

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

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

Requests regarding certain points are being addressed directly to the following States: Djibouti, Dominica, Norway, Panama.

Information supplied by Democratic Yemen 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 earlier comments, the Committee notes with interest the statement made by the Government in its last report, to the effect that the Labour Law Review Committee and the Labour Laws and Rules Scrutinising and Advisory Committee have suggested making amendments to the Workmen's Compensation Act, 1923, so that it may be brought into conformity with Convention No. 17 as far as possible. It has also noted the information concerning the extension of the Social Security Act, 1954, to four other towns.

1. Article 5 of the Convention. The Government states that in the draft law to replace the Workmen's Compensation Act, 1923, it is provided that compensation payable in the event of permanent total incapacity or permanent partial incapacity or death shall be paid to the injured workman or his dependants in the form of such periodical payments as the Workmen's Compensation Committee thinks fit and that it may be paid in a lump sum, if the said Committee is satisfied that it will be properly utilised. The Committee takes note of this statement but would point out that this Article of the Convention does provide for the payment of compensation 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.

2. Article 10. The Committee also notes that the clause permitting the fixation of a maximum amount for the supply and normal renewal of artificial limbs and surgical appliances is deleted and that the draft law to replace the Workmen's Compensation Act, 1923, would provide that where the injury sustained is of such a nature as would entitle the injured workman to the supply and renewal of such appliances and where the employer cannot supply and renew such appliances, the injured workman shall be paid a lump-sum compensation representing the cost of the supply and renewal of such appliances.

3. The Committee expresses the hope that the adoption of the draft rule to replace the Workmen's Compensation Act, 1923, to which the Government has been referring for a number of years, will take place shortly to ensure the full application of the Convention.

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

Colombia (ratification: 1933)

The Committee takes note of the information furnished by the Government to the Conference Committee in 1983 and that contained in its report for the period 1981-83, to the effect that the Committee for the Revision of the Labour Code is proceeding with the work on the reform Bill. It hopes that the reform will be completed in the near future and introduce the necessary amendments to give full effect to the Convention, which was ratified more than 50 years ago. The Committee again expresses the hope that the Government will continue to provide information on the extension of the social security scheme

and, in particular, of the occupational accidents branch, indicating the number of workers protected by the scheme and their percentage in relation to the total number of workers in the country, in both the private and the public sectors (except agricultural workers).

Article 2, paragraph 2, of the Convention. In its earlier comments the Committee has pointed out to the Government that the exceptions and restrictions referred to in sections 223(c), 224 and 225 of the Labour Code are not provided for by the Convention. In its reply the Government states that establishments of working craftsmen that do not employ more than five workers outside the craftsman's family and are situated in areas not yet covered by the Social Insurance Institute are covered by the services provided by the National Health System through public hospitals and dispensaries, and in view of the limited resources and the lower stage of development reached by the rural sector in Colombia, it is not possible for the law to oblige a humble craftsman, in the conditions described, to pay compensation for occupational accidents. The Government adds that, in the same way, the compensation that must be paid by undertakings whose capital is under 50,000 pesos is less than that in force for undertakings with higher capital, because the small undertaking in Colombia is in a delicate situation and there would be negative effects on employment if it were burdened with the labour charges that are in force for companies whose economic power is greater.

The Committee takes note of this information. Nevertheless, although it is aware of the serious nature of the problems stated, it can only point out that this Convention provides that, in occurrences as unfortunate as occupational accidents, injured workmen must be entitled to minimum benefits, such as those prescribed by the Convention, to relieve the difficult situation they find themselves in. In these circumstances, the Committee again expresses the hope that the Government will do everything possible to extend the social security scheme gradually to the whole national territory, in particular the occupational accidents and diseases branch, and that in the meantime it will eliminate from the Labour Code the exceptions and restrictions in question, so that, in areas to which the scheme has not yet been extended all workers shall be entitled to the compensation for occupational accidents provided for by the Convention.

Article 5. In its earlier comments the Committee has called the attention of the Government to the fact that the payment of compensation in the form of a lump sum corresponding to a certain number of months' wages in the event of partial or total permanent incapacity or complete disability and also in the event of death (section 204, subsection 2, of the Labour Code and sections 22, 23 and 35 of Decree No. 3135 of 1968), is not in conformity with the Convention, under which this compensation must, as a rule, be paid in the form of periodical payments and can be converted into a lump sum only exceptionally, if the competent authority is satisfied that it will be properly utilised.

The Government states in its reply that, given that the only respect in which the national legislation differs from this provision of the Convention is that the payment of compensation in the form of a lump sum, in the cases mentioned above, is not subject to the provision of assurances by the beneficiaries, it cannot be considered

that the spirit of the international standard is betrayed by the national legal rules. It adds that the purpose of the Convention is to guarantee to the injured workman the compensation he is entitled to and that the question whether it is paid periodically or as a lump sum is not really so very important since the Convention itself permits either form of payment. The Government is nevertheless willing to consider, during the revision of the labour legislation, the advisability of providing assurances concerning the use made of the amount of the compensation.

The Committee takes note of this statement and, without overlooking the explanations given by the Government, ventures once more to point out that the Convention lays down the principle that the compensation due in the event of permanent incapacity or death shall be paid in the form of periodical payments, since it is only in this way that the compensation paid to the worker for the loss of earnings really fulfils its purpose. In addition, this compensation must be paid throughout the whole period of the contingency (unlike the limited number of months - 23 to 30 at the most - provided for by the national legislation), that is to say, for the victim, for the rest of his life or until his recovery and, for his dependants, until the death or remarriage, should this occur, of the surviving spouse and until the dependent children have reached a prescribed age or become self-supporting. The Convention authorises the conversion of the periodical payments into a lump sum only exceptionally and if the competent authority is satisfied that it will be properly utilised (in this connection see the comments under Article 7).

The Committee hopes that in the revision of the labour legislation the Government will do everything possible to ensure that the compensation due in the event of total or partial permanent incapacity or death is paid in the form of periodical payments and that should they be converted into a lump sum (at the request of the victim or his dependants), assurances are provided, as the Government itself states, that the lump sum will be properly utilised.

Article 7. In its previous comments the Committee has stated that the additional compensation granted to injured workmen whose incapacity necessitates the constant help of another person is a percentage (not specified) added to the compensation provided for by Article 5 of the Convention for permanent incapacity.

In its reply the Government states that the Convention nowhere provides that this compensation shall be paid periodically and that the conclusion that this is so is an interpretation. The Committee notes that although Article 7 does not state this expressly, the Committee has always taken the view in the numerous comments that it has made since the adoption of this old Convention, that the compensation in question must be paid in the form of periodical payments. This is because it is clear from the preparatory work carried out by the International Labour Conference with a view to the adoption of the Convention that the compensation called for by Article 7 is an addition to the compensation for permanent incapacity - provided for by Article 5 - and having regard to the purpose for which it is given, it must, as a rule, be paid in the form of periodical payments to injured workmen whose incapacity is of such a nature that

they need the constant help of another person in order to deal with the ordinary necessities of daily life.

The Committee therefore hopes that the Government will reconsider its position and adopt the necessary measures to give full effect to this provision of the Convention, taking into account the comments in this observation.

Article 9. In reply to the earlier comments of the Committee, the Government states that, in areas where the Social Security Institute is not yet operating, workers who suffer occupational accidents are entitled, when the period of two years laid down by section 204 of the Labour Code has expired, to the medical, surgical, pharmaceutical and hospital assistance granted through the National Health System. The Committee asks the Government to indicate the statutory provisions under which this assistance is granted and to provide a copy of the relevant texts.

Article 10. The Government states that in the areas not yet covered by the Institute, the employer is obliged to provide the necessary artificial limbs and surgical appliances as long as the worker remains in his service and that, on the termination of the contract of employment, the worker can take advantage of the medical services of the National Health System and obtain the necessary appliances at a low price. The Government adds that it would not be logical for the law to compel employers in areas that are normally very backward and remote to renew expensive appliances over long periods. The Committee takes note of this statement but points out to the Government that the Convention excludes the participation of the workers in the cost of these benefits. Under this provision of the Convention it is the employer or insurer who is responsible for the supply and normal renewal of the appliances. The Committee hopes that the Government will take the necessary measures to give full effect to this provision of the Convention.

Furthermore, it notes that section 21(b) of Decree No. 1848 of 1969, issued under Decree No. 3135 of 1968, provides for the supply of the necessary artificial limbs and surgical appliances, but observes that, like section 204, subsection 1, of the Labour Code, the provision does not prescribe the renewal of such appliances, as the Convention does.

Kenya (ratification: 1964)

The Committee notes with interest that the conversion of the current National Social Security Fund into a pension scheme is progressing steadily and that the Workmen's Injury Benefits Act will be incorporated in the National Social Security Act, with the principal objective of: (a) guaranteeing that all workers are insured against employment accidents; (b) converting present lump-sum payments into periodical payments in conformity with the Convention; (c) improving on the present level of medical aid and supply and repair of surgical appliances; and (d) raising the level of benefits.

The Committee also notes that the whole draft of the relevant Act on social security is being processed, and that the part dealing with compensation for employment accidents covers, according to the

Government, the points raised in the Committee's observation. The Government adds that it would welcome any possible suggestion or recommendation in this connection. The Committee notes the above statement and would make the following comments:

Article 5 of the Convention. The draft Social Security Act stipulates that permanent incapacity benefits may be paid in the form of periodical payments or a lump sum. The Committee hopes that the regulations provided for in the draft law will conform to this Article of the Convention, which provides that compensation in the event of permanent incapacity or death must be made in the form of periodical payments paid throughout the duration of the contingency and which authorises the conversion of these periodical payments into a lump sum only exceptionally and where the competent authority is satisfied that this will be properly used.

Articles 9 and 10. The Committee notes that the draft Act on social security provides, as does the Convention, for entitlement to medical, surgical and pharmaceutical aid, and also for the supply of such artificial limbs and surgical appliances as are recognised to be necessary. The Committee hopes that the regulations established by the draft Act contain no maximum limit in respect of these expenses as does the 1962 Workmen's Compensation Act (section 32), which has formed the subject of the Committee's comments over several years.

Article 11. The Committee asks the Government to state whether the draft Social Security Act will bring into being a social security system which will ensure, in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to the victims of employment accidents or to their dependants, as called for in the Convention.

Tanzania (ratification: 1962)

1. Articles 9 and 10 of the Convention. The Committee takes note with satisfaction of the adoption of Act No. 17 of 1983, which amends section 31 of the Workmen's Compensation Ordinance, Cap. 263, by abolishing the maximum amounts fixed by this provision of the national legislation. The Committee asks the Government, however, to state whether the term "reasonable expenses", contained in section 31 of the Ordinance as amended, fully covers the medical expenses and the supply and renewal of such artificial limbs and surgical appliances "as are recognised to be necessary", in accordance with these provisions of the Convention. The Committee would also be grateful if the Government would state how these expenses are met when the employer is proved to be financially incapable of paying them all in accordance with the final paragraph of section 31, subsection 1, of the Ordinance as amended.

2. Article 5. The Committee notes that the report of the Government provides no information on this provision of the Convention, and can therefore only refer to its earlier comments, in which it has for some years been calling the attention of the Government to the fact that the payment of compensation in the form of a lump sum in the event of permanent incapacity or death, which is provided for by the national legislation, is not in conformity with

the Convention, under which this compensation must, as a rule, be paid in the form of periodical payments and can be converted into a lump sum only exceptionally, if the competent authority (in Tanzania the National Provident Fund or the National Insurance Corporation) is satisfied that this lump sum will be properly utilised. The Committee again expresses the hope that the Government will do everything possible to ensure that compensation - at least for permanent total incapacity or death - is paid in the form of periodical payments and that, if this compensation should be converted into a lump sum (at the request of the injured workman or his dependants), it will take measures to ensure that the sum thus paid is properly utilised.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Cape Verde.

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

Benin (ratification: 1960)

The Committee notes that the Government's report has not been received. However, it takes note of the information supplied to the Conference Committee at its 69th (1983) Session, to the effect that a draft amendment to the Ordinance of 21 March 1959 had been drawn up, taking into account the comments of the Committee of Experts. This draft had been submitted to Parliament, which had not yet reached a decision.

The Committee hopes that the said decree will soon be adopted so as to complete the list of occupational diseases in the national legislation, in accordance with Article 2 of the Convention, concerning 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.

Chile (ratification: 1933)

Article 2 of the Convention. With reference to its earlier comments, the Committee notes that the Government maintains its earlier statement to the effect that the list of "work involving the risk" of contracting anthrax infection, contained in sections 18 and 19 of Presidential Decree No. 109 of 1968 includes "the loading and unloading or transport of merchandise" in general, to which the schedule of the Convention refers. The Committee notes in particular that the statutory provisions in question have never been interpreted in such a way as to conflict with the Convention. The Committee asks the Government to provide with its forthcoming reports detailed information on any cases of anthrax infection that arise in the country.

Upper Volta (ratification: 1960)

The Committee notes with regret that for the second consecutive year the Government's report has not been received. However, it notes the statement by the Government representative to the Conference Committee in 1983 to the effect that no progress had been made in implementing the Convention since the 68th Session of the Conference (1982), because the domestic situation had made it impossible to effect the necessary measures. However with the return of some normalcy, the problem could be tackled. The Committee trusts that upon the return to normalcy, the draft decree 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.

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

Convention No. 19: Equality of Treatment (Accident Compensation), 1925Portugal (ratification: 1929)

I. 1. In its previous comments, the Committee has drawn the attention of the Government to the fact that law No. 21/27 of 3 August 1965 on industrial accidents is not fully in keeping with the Convention. In the first place, section III of this law does not treat Portuguese workers and foreign workers employed in Portugal on the same basis unless the legislation of the country in question grants equal treatment to Portuguese workers, whereas according to Article 1 of the Convention, equality of treatment shall be granted to the nationals of any other Member which has ratified the Convention regardless of whether the legislation of that other country, in fact, grants equality of treatment pursuant to the Convention. Secondly, paragraph 3 of section III of law No. 21/17 of 1965, which does not cover foreign workers who are employed on behalf of a foreign undertaking and whose right to compensation is recognised under the legislation of their own country, is not fully in keeping with Article 2, which does not authorise such exclusion unless the employment of the foreign workers concerned is of a temporary or intermittent nature and such exclusion is provided for in a special agreement between the Members concerned.

2. The Government states in its report that Bill No. 63/1 concerning industrial accident and occupational diseases insurance, which should have brought national legislation into conformity with the Convention, could not be adopted but the Ministry concerned still intends to include industrial accident compensation in the social security system. The Committee notes this statement. It also notes the comments made by the Portuguese General Confederation of Workers and communicated by the Government, that since Bill No. 63/1 has not been approved, it is necessary that some legislation should be adopted which would ensure the application of the Convention. Consequently, the Committee hopes that compensation for industrial accidents will be included in the social security system in the near future and that, upon this inclusion, full effect will be given to the Convention.

II. The Committee notes the comments made by the Portuguese Confederation of Industry to the effect that Bill No. 63/1 mentioned above suffers from a serious drawback as it does not apply to company managers. The Committee, in this connection, wishes to point out that the object of the Convention is to ensure equal treatment among national and foreign workers in so far as industrial accident compensation is concerned and consequently, the exclusion of company managers from the scope of the Bill does not in itself run counter to the Convention inasmuch as such exclusion covers both national and foreign managers.

Syrian Arab Republic (ratification: 1960)

Article 1, paragraph 2, of the Convention. The Committee refers in this respect to its observation relating to Convention No. 118, Article 5.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Burundi, Comoros, Djibouti, Grenada, Guinea-Bissau, Islamic Republic of Iran, Lesotho, Mauritius, Senegal, South Africa, Sudan.

Information supplied by France, Hungary and Madagascar in answer to a direct request has been noted by the Committee.

Convention No. 22: Seamen's Articles of Agreement, 1926Colombia (ratification: 1933)

With reference to its previous observations, concerning the necessity of adopting specific measures to apply the Convention, the Committee notes with interest that an ILO expert is studying with the national authorities the legislation to be adopted for this purpose.

Federal Republic of Germany (ratification: 1930)

Article 9, paragraph 1, of the Convention. With reference to its earlier comments, the Committee takes note with interest of the Act of 1 March 1983 to amend the Seamen's Act of 1957 and in particular section 63, subsection 3.

As the Committee has stated in its earlier comments, the new provisions, by restricting to three months the extension of the agreement after the expiration of the notice, are a distinct improvement over the previous provisions.

The Committee again expresses the hope, however, that, when circumstances permit, full effect may be given to the Convention, which provides that an agreement for an indefinite period may be terminated in any port where the vessel loads or unloads, subject to the sole condition that the period of notice, which must be at least 24 hours, is respected.

Panama (ratification: 1970)

Article 9, paragraph 1, of the Convention. With reference to its earlier comments, the Committee notes the statement by the Government in its report to the effect that the draft labour legislation for the Panamanian merchant marine drafted with the help of an ILO expert has not yet been approved by the National Legislative Council. The Committee hopes that, in the meantime, the necessary

arrangements referred to by the Government in its report may be made in accordance with the above-mentioned draft, or in some other way, to ensure that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that notice of not less than 24 hours has been given.

Article 3, paragraph 4, and Article 14, paragraph 2. The Committee hopes that the measures to be taken, whether legislative or not, will include those necessary to give effect to Article 3, paragraph 4, of the Convention (provision to ensure that the seaman has understood the agreement) and Article 14, paragraph 2 (right of the seaman to obtain from the master a separate certificate as to the quality of his work, or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement) - questions that the Committee has also raised in its earlier comments.

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

Convention No. 23: Repatriation of Seamen, 1926

Requests regarding certain points are being addressed directly to the following States: Djibouti, Egypt.

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

India (ratification: 1955)

The Committee notes the information furnished by the Government to the Conference Committee in 1983 and in its report concerning payment of the revised minimum wage to the film workers in West Bengal. The Committee notes with interest that the Government of West Bengal has confirmed that the minimum wages as revised in 1970 are in fact being paid as the result of a bipartite understanding, although an injunction is still in force, and that it is taking steps to obtain an expeditious hearing of the case of the film workers which is now pending before the Calcutta High Court. The Committee hopes that the Government will be able to indicate in its next report that minimum wages as revised in 1970 are being paid in accordance with the legislation in force, and that it will provide details of the results of the case pending in the Calcutta High Court.

United Kingdom (ratification: 1929)

The Committee refers to the observations presented by the Trades Union Congress (TUC) in its communication dated 18 February 1983, which were sent to the Government on 1 March 1983. It takes note of

the comments on the TUC's observations made by the Government in its report for the period ending 30 June 1983, the further observations received from the TUC in a communication dated 17 January 1984, and the Government's comments on these observations in a communication dated 15 February 1984. Both the TUC and the Government have submitted statistical information illustrating the situation in practice. The TUC's observations concern the application of Article 4 of the Convention (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).

The TUC states that the staff of the wages inspectorate was cut by one-third in 1980, leaving the Government incapable of meeting its obligation to see that the rates agreed in wages councils were applied. It states also that the Government's target of one inspection of premises covered by wages councils every ten years is not adequate to ensure that wages in those industries do not fall below the minimum rates laid down in wages orders, and that even this target was not achieved in 1981. In addition, a growing number of complaints of violations of wages orders are not being handled because of lack of staff, and the small number of prosecutions is said to indicate that enforcement services are inadequate. There has also been an increase, among the firms visited, in the proportion of those underpaying wages. The TUC feels that the need for a strengthening of the Inspectorate has increased as a result of the introduction of the Young Workers' Scheme, which it states increases the inducement to employers to pay below the legal minimum. Finally, it states that since January 1982 relevant information about minimum wage rates and hours of work has not been issued to job centres, thus increasing the risk that job centres might advertise and help to fill jobs at rates below the legal minimum set by wages councils.

The Government has indicated in its comments that it considers that its obligations under Article 4 of the Convention are being met, and that, given the overall rate of compliance, the level of inspection is adequate. About one-tenth of the establishments on the wages inspectorate register are selected for checking each year, and inspections tend to be concentrated on firms where underpayments are more likely to be found. In 1981 the Inspectorate was able to achieve 96 per cent of its target of inspections, and it met the targets in 1982 and 1983. The use of indirect checks, including postal questionnaires, has developed successfully, allowing some supervision of firms other than the 10 per cent covered in direct inspections. Some 6.2 per cent of the workers whose pay was checked in 1982 were found to be underpaid. The increase in the proportion of firms visited which were found to be underpaying wages resulted largely from the concentration of visits on establishments likely to be underpaying. As concerns the handling of complaints, the Government states that during 1982 there was a gradual increase in the number of complaints outstanding, but by the end of the year the number outstanding was slightly less than the number outstanding at the beginning of the year, and the majority of outstanding cases were in process of being cleared. In addition, the definition of "complaint" was substantially widened for statistical purposes at the beginning of 1982. The policy regarding prosecutions has not

changed, and seven cases were brought in 1982. It indicates that the arrangements for the operation of the Young Workers' Scheme make it clear that wages councils' requirements are not overridden by the subsidy scheme and that the employer is required explicitly to confirm that he is meeting his wages council obligations when he seeks payment of the subsidy. The Government also states that the obligation to inform workers in wages councils industries of the minimum rates set is fulfilled by the distribution of orders to employers and the statutory requirement for them to be displayed. The decision to stop issuing job centres with copies of the book setting out information about minimum rates and hours of work for all sectors of employment does not mean that the centres no longer have full access to information about minimum rates, etc., since guidance and precise details on these questions are available from the wages inspectorate when required.

The Committee notes from the statistics supplied by the TUC and the Government that the number of wages inspectors was 166 in 1979, and 119 in 1982. The number of establishments visited was 34,807 in 1979 and 23,272 in 1982, but indirect checking methods were substantially increased during the same period, accounting for approximately 40 per cent of the checks made in 1982. Illegal underpayments were found in 31.5 per cent of establishments visited in 1979, and in 39.8 per cent in 1982. As for the number of complaints, in 1979 there were 1,133 outstanding at the beginning of the year, 6,970 received during the year, and 1,119 outstanding at the end of the year; for 1982 the corresponding figures are 1,667, 10,100 and 1,649. The Committee also notes that for 1982, arrears totalling £1,861,783 were paid to workers following inspection, out of £2,286,893 of arrears assessed.

It appears from the above statistics that over the period 1979-82 there has been a reduction in the numbers of inspectors and establishments visited, and an increase in the numbers of complaints and establishments at which illegal underpayments were found. The Committee notes in this respect the information supplied by the Government on the changes which have occurred in the pattern and methods of inspection and in the definition of a complaint, and it takes due note of the overall rate of compliance referred to in the report. It hopes that the Government will be able to take appropriate measures to ensure fuller observance of the minimum wages set by the wages councils.

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In addition, requests regarding certain points are being addressed directly to the following States: Chad, Togo, United Kingdom.

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

Requests regarding certain points are being addressed directly to the following States: Angola, Bangladesh, Guinea-Bissau, Honduras, Hungary, Netherlands.

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

Luxembourg (ratification: 1931)

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

The Committee recalls in this respect that in its report (received in 1980) the Government indicated its intention to reconsider the question, particularly in connection with the adoption of a directive by the European Economic Community laying down the technical specifications of vessels employed on inland navigation. In its last report the Government does not mention any new developments in this connection.

The Committee therefore once again expresses the hope that suitable measures will be taken shortly to give effect to the provisions of the Convention.

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

Convention No. 29: Forced Labour, 1930

A member of the Committee, Mr. S. Ivanov, expressed his disagreement with certain observations made by the Committee regarding the application of Convention No. 29 (Forced Labour) in the USSR and in certain other socialist countries. In his view, these observations were not justified by the situation and the industrial relations existing in these countries. In today's world characterised by the existence of very different socio-economic and legal systems, it is important to take real account of the concrete conditions of countries in examining questions of application of international labour Conventions.

With regard to the observations on the application in the USSR of Convention No. 111 (Discrimination in Employment and Occupation) Mr. S. Ivanov indicated that, in conformity with the Constitution of the USSR in force, Soviet citizens are equal before the law irrespective of their social position, their race or nationality, the type and nature of their occupation and other circumstances. The equality of rights of Soviet citizens is guaranteed in all spheres of economic, political and social life, including the area of labour relations.

Workers are granted guarantees under the legislation in respect of engagement and dismissal. For example, under the RSFSR Labour Code, refusal to engage a worker without legitimate cause is prohibited. Any direct or indirect limitation of rights, any establishment of direct or indirect advantages in engagement on the basis of sex, race nationality or religious convictions are prohibited. The regulation of dismissal of workers at the initiative of management is also based on the above-mentioned constitutional principle of equality of citizens before the law.

Another member of the Committee, Mr. A. Gubinski associated himself with Mr. Ivanov's remarks.

Burundi (ratification: 1963)

1. With reference to its earlier comments, the Committee notes with satisfaction that Ministerial Order No. 050/26 of 24 February 1966 on compulsory cultivation, which provided for the imposition of cultivation outside the cases of emergency defined in Article 2, paragraph 2 (d), of the Convention, has been repealed, by Presidential Decree No. 100/142 of 30 May 1983.

2. In earlier comments, the Committee also referred to the provisions of Ordinance No. 710/275 of 25 October 1979 laying down certain obligations concerning the conservation and utilisation of soils and Ordinance No. 710/276 of 25 October 1979 providing for the obligation to create and maintain minimum areas of food crops. The Committee notes with interest that section 4 of Ordinance No. 710/275 and section 3 of Ordinance No. 710/276, under which infringements of these Ordinances could be punished by imprisonment, have been repealed by Presidential Decrees Nos. 100/144 and 100/143 of 30 May 1983. Noting that the legal obligations provided for in these Ordinances remain in force, and recalling the information supplied previously by the Government that all the work concerned is voluntary in practice, the Committee hopes that the necessary measures will be adopted in the near future with regard to the texts in question to give statutory effect to the voluntary practice.

3. The Committee notes with interest the statement by the Government that the texts on compulsory cultivation, portage and public works (Decree of 14 July 1952; Ordinance No. 21/86 of 10 July 1953; Decree of 10 May 1957), which were in abeyance until 1978, have been repealed by section 80 of the 1981 Constitution, which is aimed at creating a society where social justice reigns. In the absence of a specific repeal and in view of the above mentioned developments respecting compulsory cultivation and local public works, the Committee asks the Government to indicate any measures taken to give publicity to the repeal.

United Republic of Cameroon (ratification: 1960)

In earlier comments, the Committee pointed out that under Act No. 73-4 of 9 July 1973 to set up the National Civic Service for Participation in Development 24 months of work in the general interest

throughout the public and private sectors can be imposed on citizens aged between 16 and 55 years and penalties of between two and three years' imprisonment can be inflicted for refusal to perform such work.

While noting the indication by the Government that recruitment for the civil service is voluntary in practice, the Committee observed that no laws or regulations governing the admission at their own request of those concerned to the civic service training centres or their right to resign had been supplied in reply to its request. The Committee also noted the provisions of Decree No. 79-131 of 12 April 1979 to reorganise the National Office for Participation in Development and the administration of the civic service, which confirm that the participation of those concerned in work in the general interest is compulsory.

The Committee notes with interest the statement by the Government in its last report that the necessary steps are being taken to revise Act No. 73-4 of 9 July 1973 to set up the National Civic Service for Participation in Development and Decree No. 79-131 of 12 April 1979 to reorganise the Office, with a view to reflecting in these texts the voluntary nature of the engagement of those eligible for civic service, in conformity with the provisions of Conventions Nos. 29 and 105 on the abolition of forced labour. The Committee hopes that the necessary measures to bring the legislation into conformity with practice and with the Conventions will be adopted as soon as possible and that the Government will shortly be able to indicate progress made in this connection.

Chad (ratification: 1960)

The Committee notes the Government's report and the statements made to the Conference Committee by a Government representative.

In its earlier comments, the Committee has referred to:

- section 260 bis of the General Code of Direct Taxes (Act No. 28-62 of 28 December 1962), empowering the authorities to exact labour for the recovery of taxes;
- section 2 of Act No. 14 of 13 November 1959, empowering the authorities to exact forced labour for work of public interest from persons subjected to restrictions of residence after having served their sentence;
- section 7, subsection 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.

The Committee notes the statement made before the Conference Committee that these texts have been overtaken by the great changes that have just occurred in Chad and are no longer applied. The Committee accordingly trusts that these texts will be repealed shortly and that the Government will supply copies of the provisions adopted for the purpose.

Chile (ratification: 1933)

The Committee notes the Government's report and the comments made in February 1983 by the Single Central Organisation of Chilean Workers. The Committee also notes that in May 1983 the National Trade Union Co-ordinating Body of Chile submitted a representation under article 24 of the ILO Constitution, alleging the violation by Chile of various international labour Conventions including this Convention, and that a committee appointed by the Governing Body is currently examining this representation. Pending termination of this procedure the Committee is postponing consideration of the matters raised by the two organisations.

Colombia (ratification: 1969)

The Committee notes the statements made by the Government to the Conference Committee in 1983 and in its latest report.

Article 2, paragraph 2(c) of the Convention.

1. In previous observations the Committee referred to Decree No. 1817 of 1964 (Prison Code), which imposes compulsory labour not only on those who have been convicted (article 269), but on all detainees with the exception of those declared medically unfit (article 233), and it asked the Government, in order to ensure the observance of Article 2(2)(c) of the Convention, to take the measures necessary to give statutory effect to the principle that only convicted prisoners may be obliged to work. The Committee noted that, according to the Government the reform of the national prison system, once adopted by Congress, would make it possible to take the requested measures and it expressed the hope that these measures would be adopted in the near future.

The Committee notes the statement of a Government representative to the Conference Committee in 1983 that the Penal Code which has precedence over the Prison Code does not allow the imposition of work on detainees. Another Government delegate stated that the law on the reduction of sentences following work or study shows that prison work is not compulsory as convicted prisoners may, in any case, refuse to work - the only consequence being that their sentences are not reduced.

The Committee notes that the Penal Code does not deal with the situation of detainees. Nor is their situation covered by Law No. 32 of 1971 on the reduction of sentences following work or study, which confers this advantage on convicted prisoners, with the exceptions set forth in that same Law. The Committee once again requests the Government to adopt appropriate measures for the revision of article 233 of Decree No. 1817 of 1964 (Prison Code), so that detainees may no longer be obliged to work.

2. In previous comments the Committee referred to article 182 of Decree No. 1817 of 1964 under which work in prison establishments may be performed by direct administration or through contractors who shall be provided with premises and prison labour and who are to supply the necessary equipment and material for the work and are to pay wages in the forms and on the conditions established by the prison administration. The Committee expressed the hope that measures would

be adopted in order to bring legislation and practice into conformity with the Convention in this respect.

The Committee notes the Government's statements to the Conference Committee in 1983 and in its report that the work of prisoners is in conformity with the Convention as they perform it voluntarily.

The Committee recalls that the prohibition contained in this provision of the Convention applies also to work performed in workshops which private employers operate within prison establishments and that, consequently, employment in such cases would be compatible with the Convention only if the persons concerned have given their consent, subject to guarantees with regard to remuneration etc. In order to harmonise legislation and practice with the Convention on this point, measures need to be adopted to ensure that no sentenced person work for a private employers without his first having freely expressed his consent, subject to the appropriate guarantees. The Committee hopes that these measures will be adopted in the near future and that the Government will provide information on the action taken.

Cuba (ratification: 1953)

The Committee notes the information supplied by the Government in its statement to the Conference in 1982 and in its report.

Obligation to work. In earlier comments, the Committee referred to section 77 of the Penal Code, clause (e) of which includes habitual vagrancy among the indications of dangerousness. This provision describes as being in a dangerous state of vagrancy a man of working age, physically and mentally fit for work, who refrains without justification from all occupational activity and is not registered in a public educational establishment or in a vocational training centre operated by the State and therefore lives as a social parasite on the work of others. Under section 84 habitual vagrants may be interned in a specialised work establishment or a workshop school or sent to a labour collective for periods of up to four years, as a "predelinquency security measure". The Committee indicated that laws on vagrancy and similar offences that are drafted in terms so general that they may be used as a means of direct or indirect compulsion to work should be amended so that only those who disturb public order besides habitually abstaining from work and having no legal means of subsistence may be liable to punishment. The Committee noted the statements by the Government that the definition and listing of the indications of dangerousness in the Penal Code are preventive in purpose and that the behaviour of persons thereunder considered to be in a dangerous state of vagrancy always goes hand in hand with illegal activities as a means of subsistence. The Committee observed that the exaction of compulsory labour of a preventive character is not compatible with the Convention and that, so far as the Government considers that the behaviour of habitual vagrants goes hand in hand with illegal activities as a means of subsistence, the penal provisions under which they may be punished should clearly refer to these illegal activities.

The Committee notes the statement by the Government to the Conference Committee in 1982 that the preventive effect of penal law

is a principle recognised by general jurisprudence and that most penitentiary systems recognise work as an element in penal re-education. The Committee observes that only work exacted from any person as a consequence or a conviction in a court of law is excluded by Article 2, paragraph 2(c), of the Convention and that the exaction of work as a "predelinquency security measure", as provided by section 84 of the Penal Code, does not meet this criterion. Moreover, the Committee has pointed out in paragraph 48 of its 1979 General Survey on the abolition of forced labour that the imposition, or the menace, of any penalty for the mere refusal to take an employment is contrary to Article 2, paragraph 1, of the Convention.

The Committee also notes the statement by the Government that habitual vagrancy is not an isolated behaviour but that it is always accompanied by other forms of behaviour involving the disturbance of public order, and that evidence of the latter is decisive for the declaration of a dangerous state. The Committee hopes that appropriate measures will be adopted to amend section 77(e) of the Penal Code so as to specify these other forms of behaviour that involve the disturbance of public order, among the conditions required before a person can be declared to be a dangerous state of habitual vagrancy, and that the Government will indicate the measures taken for the purpose. It asks the Government to supply detailed information on the practical application of section 77(e) of the Penal Code during the past three years, indicating the number of measures adopted, their duration and the criteria applied by the courts, and to include copies of particularly relevant court decisions.

Czechoslovakia (ratification: 1957)

In its earlier comments the Committee noted that under section 203 of the Penal Code any person who systematically avoids honest work and allows himself to be maintained by somebody else or obtains his means of livelihood in some other improper manner is liable to deprivation of liberty for up to three years. The Committee recalled in this connection that legislative provisions on vagrancy and similar offences drafted in very general terms can be used as a means of direct or indirect compulsion to perform labour. Since the Government had referred to preparatory work on the amendment of the Labour Code and the revision of section 203, the Committee suggested that, so far as the cases really aimed at by this provision were limited to offences such as prostitution, procuring, begging or illegal gambling, the possibility might be considered of wording section 203 of the Penal Code more precisely so as to exclude clearly from its scope those who had no gainful activity and lived with the freely given help of their family or friends.

The Committee notes the Government's statement that the central bodies are at present studying draft principles for a new Penal Code that are expected to be submitted shortly for study to the Government of the Czechoslovak Socialist Republic and, after approval, to the Federal Assembly. Recalling the indication by the Government in its previous report that the draft would be submitted to the Federal Assembly in 1983 at the earliest, the Committee hopes that the

necessary measures to bring the legislation into conformity with the Convention will be adopted as rapidly as possible and that the Government will indicate the measures taken or contemplated. Pending the adoption of the provisions called for to this effect, the Committee asks the Government to communicate full information concerning the practical application of section 203, including the number of sentences, and copies of judgements made under this provision.

Dominican Republic (ratification: 1956)

Haitian sugar-cane cutters. See Convention No. 105.

Finland (ratification: 1936)

With reference to its earlier comments, the Committee notes with satisfaction that the Public Assistance Act, section 25 of which empowered the Social Board to transfer persons in need of institutional care to workhouses, has been repealed by the Social Welfare Act, No. 710, of 17 September 1982, which came into force on 1 January 1984.

Federal Republic of Germany (ratification: 1956)

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

1. In earlier comments, the Committee had noted that under the 1976 Act on the execution of sentences, any employment of a prisoner in a workshop maintained by private enterprise was to be dependent on the prisoner's consent, which could be withdrawn subject to six weeks' notice. It also noted that sickness and old-age insurance were to be extended to prisoners later by law, and that the right to wages had been recognised in the 1976 Act, but that the wage granted in addition to board and lodging was only 5 per cent of the average wage of workers and employees covered by the old-age insurance scheme, an increase being scheduled for decision on 31 December 1980.

The Committee noted in 1982 that the requirement of the prisoner's formal consent to employment in a workshop maintained by private enterprise, laid down in section 41, paragraph 3, of the 1976 Act, which was to enter into force on 1 January 1982, was suspended by section 22 of the Second Act to Improve the Budget Structure, of 22 December 1981, further consideration of the matter being scheduled for the end of 1983. It also noted that draft legislation to increase prisoners' wages and to extend sickness and old-age insurance to them had been submitted to the legislature for consideration.

The Committee notes from the Government's latest report that a decision on these matters was to be taken by the end of 1983 and corresponding legislation was still being prepared. It hopes that the necessary action will thus be taken to grant all prisoners employed in private workshops the conditions and safeguards of freely

accepted employment, in particular with regard to formal consent, wages and social security contributions, and that the Government will supply information on the measures adopted.

2. The Committee has taken note of section 1, paragraph 2, No. 3, of the Work Permit Decree, as amended on 24 September 1981, under which persons requesting asylum are normally prohibited from taking up employment for at least two years from the date of their request. It notes that under sections 18, 19 and 25 of the Federal Social Assistance Act, as amended by the Second Act to Improve the Budget Structure, of 22 December 1981, the very same persons may be called upon to perform "socially useful work" which they have no choice but to carry out, if they are to maintain their welfare entitlements. The Committee has taken note of the decision of the Superior Administrative Tribunal of Hamburg, of 24 May 1982, according to which this practice - which had been declared unlawful by earlier court decisions - has now been formally approved by the legislature by way of amendments to the Federal Social Assistance Act under the Second Act to Improve the Budget Structure.

The Committee hopes that the Government will indicate the measures taken or envisaged in this connection to bring law and practice into conformity with the Convention.

Guinea (ratification: 1959)

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

Haiti (ratification: 1958)

The Committee notes the information provided by the Government in reply to its comments.

1. The Committee notes with interest that the provision of section 230 of the Haitian Penal Code empowering the Public Prosecutor to assign persons convicted of vagrancy who have already served their sentence to forced residence or to state work, has been repealed by a Decree of 30 September 1983.

2. In previous comments, the Committee noted that a Decree of 29 March 1982 had amended section 4 of the Labour Code so as to make the illegal exaction of labour subject to penal sanctions. The Committee noted, however, that by the same amendment, forced labour has been defined in section 4 of the Labour Code as labour performed by a person "under the threat of any form of punishment without the payment of a wage and without his agreement" whereas the Convention applies to all compulsory labour under the terms of Article 2, paragraph 1, regardless of whether such work is remunerated or not.

The Committee notes with interest the Government's statement that section 4 of the Labour Code is to be amended and that in particular, forced labour will be defined as any work performed by an individual under the threat of any form of punishment and without his agreement. The Committee hopes that this amendment will be adopted in the near future.

3. Haitian sugar-cane cutters in the Dominican Republic. See under Convention No. 105.

Honduras (ratification: 1957)

Article 2, paragraph 2 (a), of the Convention. In its comments over several years the Committee has referred to article 320 of the 1957 Constitution of the Republic, under which the armed forces, may without prejudice to the service, be called upon to co-operate with the Executive in the fields of literacy campaigns, education, agriculture, conservation of natural resources, road construction, communications, health, land settlement and emergency activities. The Government's reports of 1961 and 1966 indicated the existence of a Military Civic Action which made use of conscripted labour, not only in cases of emergency, but also in development projects. The Committee noted the declarations in subsequent government reports that the armed forces use their staff for their own activities and, exceptionally, for the co-operation to which they are bound under the Constitution, and that there were no provisions within the legislation allowing for the use of conscripted labour in development activities. The Government stated that the conscripts had been used on a voluntary basis and only in community reconstruction work, following natural disasters.

The Committee notes the Government's statement in its report, that article 320 of the 1957 Constitution was superseded by the adoption of the Constitution of 11 January 1982. The Committee observes, however, that article 274 of the latter Constitution, again lays down that the armed forces shall co-operate with the Executive in the fields of literacy campaigns, education, agriculture, conservation of natural resources, road constructions, communications, health and agricultural reform, as well as in cases of emergency.

The Committee requests the Government to adopt the necessary measures to ensure that conscripts may only be called upon to perform work or services of a purely military character, except in cases of emergency, that is, in circumstances which endanger the existence or the well-being of all or part of the population, and to indicate in its next report the progress made in this regard.

India (ratification: 1954)

In previous comments, the Committee noted that by virtue of the Bonded Labour System (Abolition) Ordinance, promulgated in 1975 and passed as an Act in 1976, which is applicable to the whole of India, the bonded labour system shall stand abolished and every bonded labourer shall stand free and discharged from any obligation to render any bonded labour. The Committee further noted that special enforcement measures are prescribed, as well as penal sanctions, for infringement of this legislation.

The Committee noted the preliminary report published by the National Labour Institute in early 1979 on the National Survey on the Incidence of Bonded Labour, which estimated that 2,167,000 labourers

in eight states so far surveyed and, according to information supplied by the national Ministry of Labour on the basis of the 28th round of the National Sample Survey, 4.2 per cent of the total number of agricultural labourers in the country were bonded; it was pointed out that 56 per cent of the bonded labourers interviewed in 1978 had gone into bondage in the course of the three preceding years.

The Committee further noted that the Subcommittee on Bonded Labour constituted in 1979 to review the procedures and practices in identifying and freeing bonded labour and to recommend what improvements could be brought about to make them more effective had submitted its report which was not, however, transmitted by the Government to the ILO.

The Committee also noted that a report submitted in 1980 by the Anti-Slavery Society for the Protection of Human Rights to the Working Group on Slavery of the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities alleged that bonded labour has been unlawful throughout India since 1947, that in 1976, it was estimated that between 5 and 7 million persons in India were in debt bondage to about 1 million landowners, that in 1980, debt bondage continued unchecked in particular as it affected the Adivasis (tribal peoples), and that, despite some praiseworthy exceptions, there was continuing failure of administrative authorities at all levels, including the police, to protect the rights of tribal peoples held in virtual slavery by local moneylenders, landowners and businessmen as well as inter-state gangs operating a well-organised racket.

The Committee noted the constant concern of the Government for the implementation of the Bonded Labour System (Abolition) Act, but considered that by all estimates, the size and nature of the problem were such that the means for enforcing the law and punishing offenders must be strengthened if bonded labour was to be eradicated.

The Committee expressed its hope that the necessary measures to make the abolition of bonded labour more effective were being taken or contemplated, and that the Government would soon supply further details, including a copy of the report of the Subcommittee on Bonded Labour and of the recommendations made on that basis to the Government by the Central Standing Committee on Rural Unorganised Labour as well as full data on practical results.

The Committee notes the information supplied by the Government in its latest report in reply to the previous observation. Referring to the report of the Anti-Slavery Society, the Government states that while it is true that a fairly large percentage of bonded labourers are reported by State Governments to belong to scheduled castes and scheduled tribes, it would be totally incorrect to attribute the incidence of the bonded labour system to the social discrimination against these workers. The Government adds that offences such as illegal money-lending or usury, untouchability, harassment and cruelty, etc., are dealt with under the relevant laws of the country, that the Government has adequate legal powers and enforcement machinery to check them, and that associating these evils only with the bonded labour system would be a distortion of facts and give an over-exaggerated picture of the disabilities to which the bonded labour is subjected.

The Committee further notes from the Government's report that as a result of the efforts made to ensure that bonded labour is eradicated soon, the number of bonded labourers identified and freed in ten states went up from 121,973 by 30 June 1981 to 157,580 by 30 June 1983 and the number of those rehabilitated from 109,012 to 115,316. Up to September 1983, a sum of Rs. 89.72 million had been released by the Central Government to the State Governments under a Centrally Sponsored Scheme launched in 1978-79 for the rehabilitation of freed bonded labourers. According to the latest information available, court proceedings against the keepers of bonded labour were, however, registered only in 6,937 cases; so far, 673 cases have ended in conviction and 2,506 in acquittal, and a sum of Rs. 113.782 has been realised in fines from 177 offending parties.

The Committee regrets that the requested copy of the report of the Subcommittee on Bonded Labour has not been supplied by the Government. It notes, however, from the Government's report that on the basis of the Subcommittee's report several recommendations were made by the Central Standing Committee on Rural Unorganised Labour. Firstly, a more detailed in-depth study is required in the forest villages, particularly to ascertain whether any element of bondage exists in such cases; this was brought to the notice of the State Governments for necessary follow-up action. Second, in the case of relapse of the bonded labour into bondage, when any employer is found responsible, the punishment for the offence must, according to the Central Standing Committee, be more stringent than what is presently provided in the Act; as regards this recommendation, it was considered by the Government that the provisions of the Act are stringent enough, as the maximum period of imprisonment provided for is three years. In this connection, the Committee recalls that in practice only fines, imposed on no more than a fraction of the offenders, were reported by the Government.

The Committee notes that following a third recommendation by the Central Standing Committee on Rural Unorganised Labour, a new Central Standing Committee on Bonded, Migrant and Casual Labour has been set up and upon the recommendations of this Committee, the Central Government has taken the following steps: (1) State Governments have been advised that: (a) identification may be done through household surveys by the State Revenue Departments with the help of available field agencies; (b) such identification may also be done during the survey/census being undertaken for identifying target groups for allotment of house-sites/houses; and (c) such surveys may be integrated with the preparation of village plans under the Integrated Rural Development Programme; (2) it has been emphasised to the State Governments that it is necessary that the activities of the Vigilance Committees at the District and Sub-Divisional levels are monitored, co-ordinated and evaluated at the level of a Standing Committee under the chairmanship of either the State Chief Minister or the Minister-in-charge; (3) an Inter-Ministerial Working Group comprising representatives of the Central Ministries of Labour, Home Affairs, Rural Development and the Planning Commission has been set up for periodically reviewing the progress achieved in rehabilitation; the Working Group also considers various operational problems in implementation of the Centrally Sponsored Scheme in the

light of the suggestions received from the State Governments and recommends corrective measures; (4) Senior Officers from the Central Ministry of Labour are deputed to different States to conduct on-the-spot review of the measures taken by the State Governments for identification and rehabilitation of freed bonded labourers.

The Committee notes the Government's conclusion in its report that although keeping in view the enormity of the problem and vastness of the country, the task of completely eradicating the bonded labour system appears gigantic, it is hoped that with the concerted efforts being made by both the Central and State Governments all vestiges of this scourge in the country will be removed before long.

The Committee also notes that in a comment on the Government's report, the National Front of Indian Trade Unions regrets that the economic situation in the country which is responsible for such an unfortunate situation has not changed considerably and considers that as a consequence, despite the ratification of ILO Convention No. 29 and efforts made by the Government there will be hardly any chance of complete abolition of forced labour in the country.

The Committee hopes that the necessary action to make the abolition of bonded labour more effective will be pursued, and that the Government will supply detailed information on the measures taken and the practical results. More particularly, the Committee again expresses the hope that the report of the Subcommittee on Bonded Labour will be made available to the ILO, as well as copies of the in-depth studies to be performed in the forest villages by State Governments and details of the further action taken to follow up the various recommendations of the Central Standing Committee on Bonded, Migrant and Casual Labour. The Committee also hopes that in addition to supplying full data on the numbers of bonded labourers freed and rehabilitated, court proceedings initiated, the numbers of offenders convicted and the penalties imposed, the Government will be in a position to indicate measures taken to ensure that adequate sanctions provided for in law are really imposed on the keepers of bonded labour and are strictly enforced.

Indonesia (ratification: 1950)

The Committee notes that the Government has not supplied information on the following point raised in its previous observation.

In its previous comments, the Committee had noted that, according to information mentioned in the Conference Committee in 1979, a great number of contract labourers in North Sumatra and Aceh, including many persons who had formerly been detained without trial, had been unable to return home at the expiration of their contracts; it had noted the Government's statement to the Conference Committee in 1980 that most of these had returned to their villages upon the expiration of their contracts, but that 1,758 workers still remained in Sumatra, 1,494 of whom had chosen to stay permanently, while the return of the 264 others had been delayed and the Government was taking measures against the companies concerned to expedite these workers' return.

In the Conference Committee in 1981, and in its report received in March 1982, the Government stated that among the 264 persons who

had not returned home in 1980, up to May 1981, 145 persons had drawn the cost of transport to return home and the remaining 119 had declared their intention to stay in their present jobs. In the Conference Committee in 1981 a Worker member referred to reports in the Indonesian press that there were still thousands of workers on the plantations who could not return home.

The Committee once more requests the Government to supply detailed information on the action taken to investigate the above-mentioned allegations, to enable all contract labourers concerned to decide in full freedom at the expiration of each contract whether to stay with their employers or to return home, and to ensure, in conformity with Article 25 of the Convention, that all illegal exaction of work is punished as a penal offence.

Islamic Republic of Iran (ratification: 1957)

In its earlier comments, the Committee referred to the provisions of section 273 bis of the Penal Code, under which any person who has not definite means of subsistence and who, whether through laziness or through negligence, does not look for work may be obliged by the Government to take suitable employment. If he refuses to take this employment he is liable to imprisonment of from 11 days to three months or to between 50 and 200 strokes of the whip.

The Committee notes the statement by the Government in its report that the penalties laid down by section 273 bis of the Penal Code are intended to protect society against the activities of people who, whether through laziness or through negligence, do not try to find an occupation and who generally ensure their subsistence by committing acts contrary to public and social order. The Government states that the punishment is directed against their anti-social behaviour and is not intended to compel them to take any definite work.

The Committee refers to paragraphs 45 to 48 of its 1979 General Survey on the abolition of forced labour, in which it stated that laws compelling all able-bodied citizens to have an occupation on pain of penal sanctions are incompatible with the Convention and that laws on vagrancy and similar offences that define these in so general a way that they may be used as means of direct or indirect compulsion to work should be amended so that only those disturbing public order who not only habitually refuse to work but also are without legal means of subsistence, may be liable to punishment.

So far as the Government considers that the behaviour of persons covered by section 273 bis of the Penal Code is accompanied by activities disturbing public and social order, the penal provisions under which these persons may be punished should refer clearly to these activities. The Committee hopes that the necessary measures will be taken to bring section 273 bis of the Penal Code into conformity with the Convention and that the Government will indicate the progress made towards this.

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 a proposed amendment which was intended to be included in the Employment Act has been rejected and that fresh discussions were re-opened on the earlier proposal of amending the Chiefs' Authority Act. Since this matter has been the subject of comments for a considerable number of years, the Committee hopes that the necessary action will soon be completed and that the Government will indicate the measures taken to bring the Chiefs' Authority Act into conformity with the Convention.

Liberia (ratification: 1931)

The Committee notes the information supplied by the Government in its reports on the Convention and in its statements to the Conference Committee in 1982.

1. Local public works. In its previous observation, the Committee recalled that the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, contain provisions permitting the exaction of forced labour, inter alia, for public works; although stated to have been repealed in 1962, these continued to be used as the basis for local administration. The Committee also noted from the information communicated by the Government to the Conference Committee in 1980 that the practice of forced labour in Liberia has not been eradicated, despite its prohibition by law, and that this had been a reason for the change of government; the Government further stated that the Ministry of Local Government was determined to eliminate abuses committed particularly by local authorities in carrying out rural community development through self-help projects, and to this end the Ministry of Local Government had been instructed to submit monthly reports to the Labour Ministry outlining the manner in which all self-help projects are executed.

The Committee expressed the hope that copies of these reports would be made available to the ILO. Since the mere prohibition of forced labour had not been sufficient to eradicate its practice, the Committee also recalled the assurances given by the Government that new legislation would soon be adopted to govern local administration and clarify the legal situation regarding self-help projects and the execution of other local public works in accordance with the Convention, and expressed the hope that the Government would supply full information on the action taken.

The Committee notes that a draft decree of the People's Redemption Council is to provide specifically for the prohibition and punishment of any application of the Revised Laws and Administrative

Regulations for Governing the Hinterland (1949), repealed in 1962 as a basis of local administration, but no draft legislation to govern local administration and clarify the legal situation regarding self-help projects and the execution of other local public works appears to have been prepared; nor have any copies of the monthly reports to be made on the execution of all self-help projects been communicated to the ILO. The Committee has, however, taken note of the Annual Report of the Ministry of Local Government for 1981, communicated by the Government. According to this report, about 162 rural development projects, 75 per cent of which were funded through self-help, were inspected by a team on a nation-wide tour commencing 29 September 1980, on which a comprehensive report was made. The Committee hopes that a copy of this report will be made available to the ILO, as well as information on any measures taken to clarify the legal situation regarding self-help projects and the execution of other local public works.

2. Prohibition of forced labour. In its previous observation, the Committee noted that effect was to be given to Article 25 of the Convention under Chapter 2 of the draft labour law by the imposition of a penalty in the form of a fine or imprisonment for the illegal exaction of forced labour, including the use of forced labour for purposes of economic development such as public works. The Committee noted the Government's statement to the Conference Committee in 1980 that the law would be adopted by decree as soon as possible, and certainly before the 1981 Session of the Conference.

The Committee has taken note of a draft decree of the People's Redemption Council communicated by the Government in May 1982 and expected to be enacted in June the same year which prohibits the illegal exaction of forced or compulsory labour and provides for its punishment in similar terms. It appears from the Government's latest report that neither this decree nor section 2.2 of the proposed Labour Law, which are to give effect to Article 25 of the Convention, have yet been adopted. Since this point has been the subject of comments for a number of years, the Committee hopes soon to learn of the entry into force of the draft legislation.

3. Enforcement of the prohibition of forced or compulsory labour. The Committee has in previous observations stressed the need to ensure, in addition to the adoption of a legislative prohibition of forced labour, the strict observance of such legislation in accordance with Articles 24 and 25 of the Convention. In this connection, the Committee asked the Government to supply detailed information on the measures adopted to ensure adequate labour inspection and enforce the prohibition of forced or compulsory labour particularly in non-concessionary agricultural undertakings as well as in relation to chiefs.

The Committee notes that while the Annual Reports of the Ministry of Labour, Youth and Sports for 1979 and 1981 and the Report of the Ministry of Local Government, Rural Development and Urban Reconstruction for 1981 have been sent to the ILO, no later reports of either ministry have been made available for examination. The Committee hopes that the missing reports will soon be supplied, together with a copy of the comprehensive report referred to under point 1 above, and that they will show that the necessary measures

have been taken to ensure adequate labour inspection and enforce the prohibition of compulsory labour, particularly in non-concessionary agricultural undertakings and in relation to chiefs.

Libyan Arab Jamahiriya (ratification: 1961)

In earlier comments, the Committee referred to the provisions of section 1 of Act No. 20 (1962) under which women who are accused repeatedly of certain offences can be committed by court order to a correctional institution for a period from six months to three years. The Committee also referred to section 6 of the Royal Decree of 5 October 1955 under which any person who, having been previously convicted or investigated several times, again becomes suspected of such offences, is liable to detention from a period of one to five years, also by decision of a judge. The Committee understood that in both cases the persons concerned would have to perform labour. The Committee noted, from the government report sent in 1981, that the question of whether section 1 of Act No. 20 (1962) and section 6 of the Royal Decree of 5 October 1955 could be considered as abrogated by section 105 of Act No. 47 (1975), dealing with prisons, was being studied and should this not be the case, measures necessary to ensure that the Convention was respected on these two points would be implemented.

The Committee notes from the government report that its observations made in previous years have been communicated to the bodies responsible for modifying the legislation. The Committee again expresses the hope that the necessary measures will be undertaken to establish clearly that no work may be imposed on detainees who are merely accused or suspected and that the government will shortly be able to indicate progress made in this regard.

Madagascar (ratification: 1960)

Article 2, paragraph 2(c), of the Convention. In comments it has been making for several years, the Committee has been referring to the provisions of Decree No. 59-121 of 27 October 1959 for the general organisation of prison services (as amended by a decree of 6 March 1963), which permits the hiring of prison labour to private contractors and the exaction of prison labour from persons awaiting trial. The Committee notes that the Government's report contains no information on these points. It recalls the Government's earlier statements to the effect that the revision of Decree No. 59-121 was under study. The Committee trusts that this decree will be amended in the very near future to bring the law into conformity with the Convention on these essential points.

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

Mauritania (ratification: 1961)

The Committee notes the information provided by the Government in its report and in its statement to the Conference Committee in 1982.

1. Calling up of labour. In its earlier comments, the Committee noted that Ordinance No. 62-101 of 26 April 1962 and Act No. 70-029 of 23 January 1970 confer very wide powers on the authorities to requisition persons outside the cases of emergency and exceptional circumstances covered by Article 2, paragraph 2 (d), of the Convention. It takes note with interest of the statement made to the Conference Committee in 1982 by a Government delegate that the Government recognises the necessity of repealing provisions that are not in conformity with the Convention and that a draft Labour Code revised in consultation with the trade union organisations, which is to ensure the full conformity of the legislation with the Convention, has been submitted to the National Labour Council.

The Committee trusts that the provisions in question will be repealed or amended rapidly so as to comply with Article 2, paragraph 2(d), of the Convention and that the Government will provide copies of the texts adopted for the purpose.

2. Article 25 of the Convention. In its earlier comments concerning the application of Article 25 of the Convention, the Committee had taken note of the Report of the Working Group on Slavery of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities on its Seventh Session, held in August 1981. In its report the Working Group refers to a report submitted by the Anti-Slavery Society for the Protection of Human Rights according to which the effect of the Decree adopted in 1979 to abolish slavery has remained very limited, and 300,000 persons who are either ex-slaves or semi-slaves freed by payment or favour are still subject to their masters, for whom they are obliged to cultivate the land and act as shepherds in return for a small payment in kind. The report further alleges that when these semi-slaves revolted they were severely intimidated and their leaders were jailed, that escaped slaves are often returned to their masters by the police and that a movement formed by emancipated slaves in 1964 known as El Hor has been the object of repressive measures.

The Committee takes note of the statement by a Government delegate to the Conference Committee in 1982 to the effect that the Government had had the will to abolish this regrettable practice, that a Decree to abolish slavery had been adopted in 1979, that proceedings had been instituted against persons violating this 1979 Decree and that the Government had taken further measures to abolish slavery since it considered that a decree alone was not sufficient to deal with such an evil and had therefore prepared a land reform project enabling ex-slaves to own their own plot of land, which they could work themselves.

The Committee also takes note of Ordinance No. 81-234 of 9 November 1981 to abolish slavery, which provides that slavery in every form shall be definitively abolished throughout the whole territory of the Islamic Republic of Mauritania, that, "in accordance with the Sharia, abolition shall give rise to compensation for those concerned" and that a national commission shall be set up by decree to

study the procedure governing compensation, a procedure to be fixed by decree after completion of the study. The Committee notes that the Ordinance contains no provision imposing penal sanctions for the illegal exaction of forced labour.

The Committee asks the Government to supply full information on the measures taken or under consideration to give effect of Article 25 of the Convention, under which the illegal exaction of forced or compulsory labour is punishable as a penal offence and it is an obligation on any member ratifying the Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced. The Committee asks the Government, in particular, to provide the texts of court decisions handed down at the end of proceedings instituted against those who infringe the Decree of 1979, the texts concerning the further measures to abolish slavery and that of the Decree issued under section 3 of Ordinance No. 81-234 of 9 November 1981 to abolish slavery.

[The Government is asked to supply full particulars to the Conference at its 70th Session].

Morocco (ratification: 1957)

Article 2, paragraph 2(a), (c), and (d), and Article 25 of the Convention. In its earlier comments, the Committee referred to a number of texts providing for the assignment of military recruits to work in the general interest, the hiring of prisoners to private establishments and the requisitioning of persons in situations not endangering the existence or the well-being of the population. The Committee also referred to the absence of penalties for the illegal exaction of forced labour.

The Committee noted from the information provided by the Government that the observations of the Committee under Article 2, paragraph 2(a) and (d), of the Convention had been communicated to the competent national authorities and that the draft legislative texts to bring the national legislation in conformity with Article 2, paragraph 2(c) and Article 25 of the Convention, which have been referred to since 1963 and 1969, respectively, had not yet been adopted. The Committee once more regrets to note that the last report of the Government contains no new information. It is again sending a direct request to the Government taking up its comments on these matters and hopes that the Government will take the necessary measures to bring the legislation rapidly into conformity with the Convention.

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

Netherlands (ratification: 1933)

In comments that it has been making since 1967, the Committee has expressed the hope that action would shortly be taken to repeal the requirement for a worker to obtain approval for the termination of his employment under section 6 of the Extraordinary (Employment Relations) Decree, 1945. It notes from the report of the Government that the

discussion in Parliament of Bill No. 13656 to amend this provision has not yet finished. The Committee trusts that the Government will be able to state in the near future that the legislation has been brought into full conformity with the Convention on this point.

Pakistan (ratification: 1957)

The Committee notes the information supplied by the Government to the Conference Committee in 1982 and in its report.

Restrictions on termination of employment. In previous observations the Committee pointed out that, under the Pakistan Essential Services (Maintenance) Act, 1952, it is an offence punishable with imprisonment for up to one year for any person in employment (of whatever nature) under the Central Government to terminate his employment without the consent of his employer, notwithstanding any express or implied term in his contract providing for termination by notice (sections 2, 3(1)(b) and explanation 2, and section 7(1)). Pursuant to section 3 of the Act, these provisions may be extended to other classes of employment. Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958, as regards persons in employment under the West Pakistan Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

In its report for the period 1971 to 1973 the Government stated that the provisions in question would have to be left intact until the state of emergency was lifted in 1974. In statements to the Conference Committee in 1977 and 1978, the Government indicated that, notwithstanding anything contained in section 3 of the Essential Services (Maintenance) Act, Federal and Provincial Government employees could resign or leave their jobs with three months' notice or less, and that to that extent the Essential Services Act already stood modified since it had to be read with the provisions of other relevant legislation. In its communication to the Conference Committee in 1980, the Government expressed the view that these Acts come within the scope of the exception in Article 2(2)(d) of the Convention, relating to cases of emergency, since they provide for the maintenance of essential services. As to the application of the Act with respect to employment under the Federal Government, the Government pointed out that employees offered themselves for government services with full knowledge of the fact that the application of the laws providing for the maintenance of essential services had become a normal incidence of such services. Regarding the application of the Act to other employment, it depended on a declaration which the Federal Government could only make if it was of the opinion that such employment was essential for securing the defence or security of the country or for the maintenance of such supplies or services as are essential to the life of the community. Moreover, the application of the Act was usually for a period of six months, further extendable for another six months, and the sparing use of the Act showed in the Government's view that it was resorted to only when there was a necessity for the defence of security of the

country or for the existence or the well-being of the population of the country.

In its communication to the Conference Committee in 1982, the Government stated, further, that obligations under the two Acts were designed for the reciprocal benefits of both employers and employees and this reciprocity necessarily resulted in the well-being of the population. In a statement to the Conference Committee in 1982, a Government representative, however, indicated that under the Civil Service Act of 1973, a civil servant could resign with three months' notice, that this Act was applied and that no one suffered from the Act of 1952. In its latest report, the Government again indicates that the Essential Services Maintenance Acts prevent the voluntary abandoning or leaving of jobs by persons whose services are essentially required for securing the defence or security of the country or for the maintenance of supplies and services essential to the life of the community. The Government further states that the provisions of these Acts are sparingly used to maintain the works and services which are essential for the proper running of the state affairs; the Government considers that all advanced countries have similar laws, and also refers in this connection to the normal civic obligations exempted from the scope of the Convention under Article 2(2)(b).

The Committee has taken due note of these various indications. As explained in paragraphs 67-73 of its 1979 General Survey on the abolition of forced labour and in earlier observations, measures which prevent workers from terminating their employment even by notice, unless they have obtained official permission, are compatible with the Convention only when they are limited to circumstances that would endanger the existence or the well-being of the whole or part of the population. The restrictions under the Essential Services (Maintenance) Acts are not limited to such circumstances, since they apply permanently to any person in employment of whatever nature under the Central and Provincial Governments and have also been applied temporarily to other categories of employment, such as employment in various printing presses, which appear not to fall within the scope of the exception relating to emergencies laid down in Article 2(2)(d) of the Convention. Although in the case of government employees the persons concerned may have been aware of restrictions under the Essential Services (Maintenance) Acts when taking up employment, the Committee must point out that the workers' right to free choice of employment remains inalienable. Statutory provisions preventing termination of employment of indefinite duration by means of notice of reasonable length have the effect of turning a contractual relationship based on the will of the parties into service by compulsion of law and are incompatible with the Conventions relating to forced labour.

Having regard to the Government's repeated statements that notwithstanding anything contained in the Acts government employees can resign or leave their jobs with three months' notice, the Committee trusts that the Government will be able to take measures at an early time with a view to the repeal of the above-mentioned provisions of the Essential Services (Maintenance) Acts, so as to ensure compliance with the Convention.

Panama (ratification: 1966)

The Committee notes the Government's report.

Article 2, paragraph 2 (c) of the Convention. In comments made over a number of years, the Committee referred to articles 873 and 1708 to 1720 of the Administrative Code and to section 3 of Law No. 112 of 1974 which empower certain administrative authorities to impose punishments involving the obligation to work, in breach of this provision of the Convention. The Committee was informed that draft bills aimed at harmonising the said legislation with the Convention had been drafted with the assistance of the ILO and had been submitted to the Executive to be forwarded to the National Legislative Council for adoption and implementation.

The Committee notes Bill No. 25 which "lays down provisions for the application of Convention No. 29" as communicated by the Government. The Committee notes with interest that the Bill abolishes the punishment of compulsory participation in public works by repealing article 878(1) and articles 882 and 945 of the Administrative Code and by amending articles 1172, 1256 and 1284(2) of that same Code.

The Committee notes that by retaining article 873 of the Administrative Code and section 3 of Law No. 112, the Chiefs of Police are retaining the right to sentence offenders to forced detention which implies employment on public works in the case of persons sentenced and who are kept on public funds (article 887 of the Administrative Code).

The Committee asks the Government to re-examine legislation on police powers in the light of the Convention and to adopt the appropriate measures to amend it to prevent the administrative authorities from imposing any form of punishment involving forced labour. The Committee would be grateful if the Government could provide information on progress made to this end.

Paraguay (ratification: 1967)

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

Article 2, paragraph 2(c), of the Convention. The Committee has pointed out in its earlier comments that section 39 of Act No. 210 of 1970 respecting the prison system is contrary to this provision of the Convention, since it states that "work shall be compulsory for detainees", and section 10 of the same Act defines as detainees not only convicted persons but also those subjected to security measures in a prison establishment. The Committee has also taken note of the repeated statements by the Government that a Bill has been sent to the National Congress to amend Act No. 210 in conformity with the Convention.

The Committee regrets to note the Government's statement in its 1981 report, that section 39 of Act No. 210 is not contrary to the Convention and that no provision has been adopted in the national legislation in this connection. The Committee points

out that the Convention excludes compulsory prison labour from its scope only when this is exacted as a consequence of a conviction in a court of law. Recalling also earlier statements by the Government that in practice the labour of detained persons is voluntary, the Committee hopes that the necessary measures will be adopted to give statutory effect to this practice, so as to ensure that only persons serving a court sentence may be subjected to compulsory prison labour.

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

Peru (ratification: 1960)

The Committee notes the statements of the Government made to the Conference Committee in 1982 and in its last report.

Article 2, paragraph 2(c), of the Convention. In its earlier comments the Committee observed that, section 35 of Legislative Decree No. 17591 of 15 April 1969 on the execution of sentences and section 132 of the Penal Code provide for compulsory labour to be exacted from all prisoners, including those awaiting trial. The Committee also noted that a draft Bill to amend this article of the Penal Code had been drawn up in 1980.

The Committee notes the statement by the Government to the Conference Committee in 1982 that this draft Bill had been communicated to the office of the Council of Ministers, along with an opinion of the Subcommittee revising the Penal Code that its adoption be proposed to the Congress of the Republic. The Committee notes from the Government's report that in spite of communications to the competent authorities no amendment has yet been effected and renewed approaches are being made to the competent authorities to this end.

The Committee hopes that section 132 of the Penal Code will be brought into conformity with the Convention in the near future and asks the Government to indicate any progress made in this matter.

Poland (ratification: 1958)

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

1. In its earlier comments, the Committee referred to the Act of 18 December 1982 regulating in detail the period of suspension of the state of siege, which concerned, inter alia, the continuing effect of the Decree of 30 December 1981 respecting the general obligation to work, and the freedom of workers to terminate their employment. The Committee notes with interest the decision of the Council of State of 20 July 1983 on the lifting of martial law, by virtue of which the Act of 18 December 1982 ceases to be in force.

2. In its earlier comments, the Committee had also referred to the Act of 26 October 1982 on the procedure concerning persons evading work. It notes the detailed explanations provided by the Government in its report concerning the social and educational aims of this Act.

The Committee has, however, also taken note of Act No. 176 of 21 July 1983 which complements the Act of 26 October 1982 and which establishes special legal provisions for dealing with the social and economic crisis and to amend certain laws. Under section 12, subsection 1, of this Act, the National Council of the voivodship can impose on persons registered on the list of persons considered to be inactive for socially unjustified reasons, provided for by section 3 of the Act of 26 October 1982 on the procedure concerning persons evading work, an obligation to work "with a view to eliminating the risk of paralysis in the working of communal services and other services essential to the meeting of the basic needs of existence of the population". Subsections 2 and 3 of the same section 12 of the Act of 21 July 1983 extend to persons thus compelled to work, the penalty of deprivation of freedom provided for by section 21, subsection 2, of the Act of 26 October 1982 for persons who fail, without valid reason, to report for work within the prescribed period.

The Committee observes that the scope of section 12 of the Act of 21 July 1983 is not confined to the cases of emergency covered by Article 2, paragraph 2(d), of the Convention. The Committee recalled in paragraph 36 of its 1979 General Survey on the abolition of forced labour that, as indicated by the enumeration of examples in the Convention, the concept of emergency involves a sudden, unforeseen happening calling for instant counter-measures. The aim of eliminating the risk of paralysis in the working of communal services does not meet this criterion but makes it possible to provide for the regular use of non-voluntary labour for carrying out public works that are normally to be done by the workers of communal services or of essential services.

In this connection, the Committee has noted the information on the application in practice of the "anti-parasite" legislation supplied by the Prevention Unit of the Central Office of the People's Militia published in the organ of the Polish United Workers' Party, Trybuna Ludu, of 26 January 1984. According to this information, the obligation to perform work for carrying out public works was introduced in the last quarter of 1983 in 47 voivodships, the two remaining voivodships considered that the functioning of their communal services was not in danger and that the number of persons evading work was insignificant. At the end of 1983 public worksites had actually been organised in 28 voivodships.

It appears from all these indications that the system of public works gradually put in place in the various voivodships is not called for by the exigencies of cases of emergency within the terms of the Convention, but leads to the imposition of compulsory labour on certain persons described as persistently evading work.

The Committee hopes that the Government will re-examine the statutory provisions adopted in this matter and, pending their amendment or repeal, it asks the Government to indicate any other provisions adopted or under consideration to ensure the observance of the Convention and to provide detailed information on any measures taken against persons considered to be evading work, stating in particular the number of persons called on to perform compulsory labour and the work performed in the various cases by each group of

persons, both by virtue of section 12 of the Act of 21 July 1983 and under the Act of 26 October 1982.

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 noted from the information supplied by the Government to the Conference Committee in 1982 that, as previously stated, it was no longer the practice for tribesmen to perform compulsory labour for their chiefs, and that the Government was seeking to bring the law into conformity with practice as well as the Convention. In the absence of further information on this matter in the Government's latest report, the Committee again expresses the hope that the necessary measures will soon be adopted and that the Government will indicate the action taken.

Tanzania (ratification: 1962)

Tanganyika

1. The Committee notes with interest from the Government's report that the Government has begun taking measures on specific proposals made for the revision of certain legislative texts with a view to complying with the provisions of the Convention. It notes in particular that section 195(a) of the Local Government (District Authorities) Act, 1982, provides for the repeal and replacement of the Local Government Ordinance, section 52(1), paragraph 45 of which empowers local authorities to impose compulsory cultivation. The Committee hopes that the Government will forward a copy of the notice bringing into operation section 195(a) of the new Act in conformity with section 1(2) or (3) and that it will also supply information on certain questions arising in connection with section 118(2) and paragraph 103 of the First Schedule to section 118(4) of the 1982 Act which are dealt with in greater detail in a direct request addressed to the Government.

2. The Committee has, however, also taken note of the Human Resources Deployment Act, 1983, under which every local government authority established under the Local Government (District Authorities) Act, 1982, is required to make arrangements to ensure that every able-bodied person over 15 years resident within its area jurisdiction, engages in productive or other lawful employment, failure to comply with this obligation being punishable with a fine or imprisonment under section 24 of the 1983 Act. The Committee refers to the explanations provided in paragraphs 45 to 48 of its 1979 General Survey on the abolition of forced labour in which it indicated that legislation obliging all able-bodied citizens to engage in a gainful occupation, subject to penal sanctions, is incompatible with the Convention. The Committee hopes that the Government will re-examine the legislative provisions mentioned above in the light of the Convention and that it will indicate any measures which may have

been taken or be envisaged in this connection to ensure the observance of the Convention.

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

- (a) Section 121(e) of the Employment Ordinance (as amended by Act No. 82 of 1962) permits the imposition of compulsory cultivation by local authorities;
- (b) Part (X) of the Employment Ordinance permits forced labour to be exacted for public purposes;
- (c) Section 6 of the Ward Development Committees Act, 1969, gives Ward Development Committees the power to make orders requiring all adult citizens resident in the area of the ward to participate in the implementation of any scheme for agricultural or pastoral development, the construction of works or buildings for the social welfare of residents, the establishment of any industry or the construction of any public utility;
- (d) Sections 4 to 8 of the Resettlement of Offenders Act, 1969, and sections 4 and 17 of the Resettlement of Offenders Regulations, 1969, permit resettlement orders, with an obligation to perform compulsory labour, to be made by administrative decision.

The Committee notes the Government's statement, in its last report, that proposals for the revision of these provisions have now been submitted to the competent authority for decision. Recalling that these matters have been under consideration for a number of years, the Committee hopes that the necessary measures will be adopted at an early date to bring the legislation into conformity with the Convention, and that the Government will indicate the action taken.

Zanzibar

4. Since 1966, the Committee has requested information on any regulations made under section 5 of the Preventive Detention Decree, 1964, which provides that regulations may be made to apply to persons detained by administrative decision, any of the provisions of the Prisons Decree or of any rules made thereunder relating to convicted criminal prisoners. For several years, the Committee has also requested the Government to supply copies of both the Presidential Decree of 1977, which requires every citizen of Zanzibar leaving school to serve for at least two years in a labour camp, and of the regulations governing prison labour; and to indicate whether convicts work for private undertakings. The Committee notes the Government's statement that the Zanzibar Government has created a Ministry of Labour, Manpower and Social Welfare, and that this development will facilitate the handling of labour matters, particularly obligations undertaken by Zanzibar or the United Republic. The Committee expresses the hope that texts and information requested will soon be supplied as in their absence, the Committee is unable to ascertain the conformity of legislation and practice with the provisions of the Convention.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Tunisia (ratification: 1962)

In previous comments the Committee referred to the provisions of Legislative Decree No. 62-17 of 15 August 1962, under which any male person who in bad faith refuses to work may be directed to rehabilitation through work, and to Act No. 78-22 of 8 March 1978 to establish the civic service, under which any Tunisian of between 18 and 30 years of age who cannot show that he has a job or is registered in an educational establishment or a vocational training establishment may be assigned for a year or more to economic and social projects or rural or urban development projects, under penalty of being directed to rehabilitation through work, in case of refusal or desertion.

The Committee notes the information communicated by the Government to the Conference Committee in 1982 to the effect that an inter-departmental committee would be meeting shortly to propose to the Government the necessary amendments to Legislative Decree No. 62-17 of 15 August 1962. On the same occasion a Government representative stated that Act No. 78-22 was not entirely in conformity with the Convention, and that a committee composed of representatives of the ministries concerned would be making proposals which would be submitted to the Government and to the ILO for study. The Committee notes, however, that the Government's report contains no information on this question.

Recalling that this matter has been the subject of comment for many years, the Committee again expresses the hope that the necessary steps will be taken shortly to bring the provisions in question into conformity with the Conventions on the abolition of compulsory labour, and that the Government will indicate what amendments have been made or are envisaged.

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

Ukrainian SSR (ratification: 1956)

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

1. Termination of membership of collective farms. Further to its previous observations on this matter, the Committee notes with satisfaction from the Government's report that the Presidium of the Union Council of Collective Farms, in an annex to its Decree No. 139 adopted on 8 February 1984, has issued an explanation concerning the application of clause 7 of the Model Collective Farm Rules, indicating that the management committee of the collective farm and the general meeting of collective farm members do not have the right to refuse a request made by a collective farm member to leave a collective farm. Furthermore, referring to clause 40 of the instructions for the maintenance of work books of collective farm members, the Presidium of the Union Council of Collective Farms indicated that the management

committee of the collective farm must on the day following termination of membership in a collective farm, hand the work book of the former collective farm member to him.

The Committee trusts that these indications will be brought to the attention of all concerned and that the Government will supply a copy of the official publication in which Decree No. 139 of 8 February 1984 and its annex have been published.

2. Legislation concerning persons "leading a parasitic way of life". In previous comments, the Committee had referred to the provisions for punishing "persons leading, over a prolonged period of time, any other parasitic way of life", inserted in 1975 in section 214 of the Penal Code of the Ukrainian SSR, which had previously applied only to persons systematically engaging in vagrancy or begging.

The Committee had noted that, by Ordinance No. 10 of 28 June 1973 as amended by Ordinance No. 13 of 3 September 1976, the Plenum of the Supreme Court of the USSR had laid down guide-lines for courts dealing with cases of violation of the passport rules, systematic vagrancy or begging and the leading of any other parasitic way of life. While that Ordinance contained definitions of "systematic vagrancy" and "begging", it did not specifically define the concept of "leading any other parasitic way of life", but made this offence dependent on the capacity for work of the person concerned. The Committee had pointed out that laws creating an obligation for all able-bodied citizens to engage in a gainful occupation, subject to penal sanctions, were incompatible with the Convention and that laws on vagrancy and similar offences worded in such general terms as to lend themselves to application as means of direct or indirect compulsion to work, should be amended. It accordingly expressed the hope that appropriate measures would be taken regarding section 214 of the Penal Code of the Ukrainian SSR with a view to ensuring observance of the Convention.

The Committee notes that the Government's report contains no information on this matter. It again expresses the hope that the necessary measures will be taken to bring section 214 of the Penal Code of the Ukrainian SSR into conformity with the Convention.

3. Supply of legislation. In its first report on the Convention, presented in 1958, the Government provided certain extracts from the Administrative Code of the Ukrainian SSR relating to compulsory service in cases of emergency. Since 1959 the Committee has requested the Government to supply a copy of the full text of this Code. In its report for the period 1979-1981 the Government stated that work on the preparation of a new Administrative Code was under way, and that after the new Code had come into force a copy would be made available. The Committee notes the Government's statement in its latest report that work on the drafting of the new code is continuing and that once the new Code enters into effect the text will be made available. The Committee hopes that the Government will be able to supply the text of the new Code with its next report or, if the new Code has not then been adopted, a copy of the existing Code.

USSR (ratification: 1956)

The Committee notes the information supplied by the Government.

1. Termination of membership of collective farms. Further to its previous observations on this matter, the Committee notes with satisfaction from the Government's report that the Presidium of the Union Council of Collective Farms, in an annex to its Decree No. 139 adopted on 8 February 1984, has issued an explanation concerning the application of clause 7 of the Model Collective Farm Rules, indicating that the management committee of the collective farm and the general meeting of collective farm members do not have the right to refuse a request made by a collective farm member to leave a collective farm. Furthermore, referring to clause 40 of the instructions for the maintenance of work books of collective farm members, the Presidium of the Union Council of Collective Farms indicated that the management committee of the collective farm must on the day following termination of membership in a collective farm hand, the work book of the former collective farm member to him.

The Committee trusts that the Government will supply a copy of the official publication in which Decree No. 139 of 8 February 1984 and its annex have been published.

2. 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, and to corresponding provisions in other Union republics. It had noted the Government's statement that refusal to work could not be punished, either under section 209 of the Penal Code of the RSFSR 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 of the RSFSR applied only to the specific offences of gambling and fortune-telling.

The Committee had observed that in the guide-lines 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.

In its previous observation, the Committee had also taken note of the information communicated by the International Confederation of Free Trade Unions, according to which a number of Soviet citizens who had been dismissed from their employment when they or members of their families had applied to emigrate had been 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. According to these allegations, the menace of punishment under section 209 of the Penal Code of the RSFSR is used in practice as a means of compelling certain persons to accept employment in occupations for which they have not offered themselves voluntarily.

The Committee notes the Government's statement in its report that the documents transmitted are complaints on individual cases of a doubtful nature, that the purpose of these complaints is to bring pressure to bear on the Government in order to change emigration laws, and that consideration of such complaints falls outside the sphere of activity of the ILO. The Government states that malevolent documents and unsubstantiated demands were artificially linked with the obligations of the USSR under ratified Conventions, and that it does not deem it possible to give consideration to documents of a tendentious nature.

The Committee wishes to point out that its comments under the Convention do not relate to emigration laws, but concern the wording and practical application of legislation on persons "leading a parasitic way of life".

The Committee recalls statements made by Government representatives in the Conference Committee in 1980 and 1982. While stating that section 209 of the Penal Code of the RSFSR punished acts aimed at obtaining illegal income, such as fortune-telling or gambling, and did not permit persons to be prosecuted merely for failing to work, the Government, however, had recognised the need for clarifying this section, and indicated that the question would be given appropriate attention in the course of preparation of new legislation.

In the absence of any further developments, the Committee again expresses the hope that the necessary measures will be taken to amend section 209 of the Penal Code of the RSFSR and the corresponding provisions in force in other Union republics so as to limit their scope to specific offences as mentioned by the Government.

3. In its previous observation the Committee had taken note of a communication dated 20 August 1982 from the International Confederation of Free Trade Unions alleging that forced labour, in particular prison labour, was used in the USSR for the building of the natural gas pipeline from Siberia to Western Europe. Copies of this communication had been transmitted to the Government of the USSR on 2 September 1982 in accordance with established practice to enable it to comment on the matter. In a direct request addressed to the Government in 1983, the Committee asked the Government to supply information on the nature of the labour force used and, in so far as penal labour was concerned, on the observance of the conditions laid down in Article 2, paragraph 2(c), of the Convention.

The Committee notes the Government's statement in its report that this request created the impression that reference was made not to allegations, but to established and proven facts. The Government further considers that undue haste was displayed in addressing observations to the Government. The Government recalls an invitation by the Central Council of Trade Unions of the USSR to senior staff of the ILO to visit the gas pipeline and to satisfy themselves on the spot of the groundless nature of the accusations levelled, and the reference made to this invitation in a letter by the Government to the

ILO dated 17 February 1983 which was not brought to the attention of the Committee of Experts at its March 1983 Session. The Government also points out that the work at issue is now completed.

As regards the Government's reference to an invitation to senior staff of the ILO to visit the gas pipeline, the Committee was informed that this visit did not take place because the Director-General did not receive from the Government the prior guarantees he had requested concerning the necessary facilities for the visit in question. As a result, and in the absence of substantiation from the ICFTU of its allegations, it has not been possible to examine the matters raised by the ICFTU.

4. In its previous observation, the Committee noted a communication from the World Confederation of Labour dated 9 February 1982 alleging the transfer of large numbers of Vietnamese workers to the USSR and expressing doubts on the observance (inter alia) of ILO Convention No. 29 in this connection. Copies of this correspondence had been transmitted to the Government on 14 April 1982. In a direct request addressed to the Government in 1983, the Committee indicated that it understood the status of Vietnamese workers in the USSR to be governed by an intergovernmental agreement of 2 April 1981 and asked the Government to supply a copy of this agreement and any further information which might clarify the situation of the workers concerned. The Committee notes that in its reply the Government states that there is no connection between the Convention and the admission of Vietnamese citizens to vocational training and employment in establishments and organisations in the USSR, protests against unsubstantiated doubts expressed in this regard, and does not wish to have contact with the supervisory bodies on this matter.

Seised of unverified allegations, the Committee considered that it had to put certain questions, without drawing any conclusions on the matter. It would nevertheless appreciate the communication by the Government of the agreement in question and of any other information relevant to the issue.

Venezuela (ratification: 1944)

The Committee takes note of the report of the Government.

1. Article 2, paragraph 2(c), of the Convention. The Committee has for some years been referring to sections 17, 21 and 23 of the Act of 1956 respecting vagrants and rogues, which empowers the administrative authorities to order internment in an establishment of rehabilitation and labour, an agricultural reformatory colony or a work camp, to reform vagrants and rogues or to put them out of harm's way. The Committee noted the information provided by the Government on various occasions since 1970, to the effect that the Congress of the Republic is studying a draft text to reform the Penal Code, section 113 of which is to provide that security measures may be imposed only by the judicial authorities.

The Committee notes the statement by the Government in its last report that the proposed reform of the Penal Code is now the subject of a new revision by the competent Committee of the Senate.

The Committee hopes that the penal legislation will be amended in the near future so that no penalty involving the obligation to work may be imposed by administrative authority and that the Government will indicate any progress made regarding the discussion and adoption of the draft text to reform the Penal Code. It also asks the Government to provide at the same time detailed information on the number of persons who have been the subject, during the past three years, of security measures involving the obligation to work, the duration of these measures and the establishments in which those concerned have been detained.

2. The Committee observes that the Act concerning vagrants and rogues defines as vagrants who are liable to be subjected to security measures those in particular, who habitually and unwarrantedly abstain from carrying on a lawful occupation or trade and are therefore a threat to society (sections 1 and 2(a)). The Committee has indicated that laws defining vagrancy and similar offences in an unduly extensive manner are liable to become, directly or indirectly, a means of compulsion to work in violation of the Convention. In the Act respecting vagrants and rogues this risk is to be found in the prior assumption that all those who habitually and unwarrantedly fail to exercise a lawful occupational or trade constitute a threat to society and can therefore be subjected to security measures. The Committee would be grateful if the Government would take suitable steps to ensure that vagrancy is defined more narrowly, so that penalties for vagrancy can be imposed only on those who, in addition to refraining habitually from work, are also devoid of lawful means of subsistence and disturb public order and peace. It hopes that information will be supplied on the progress made in this regard.

Zaire (ratification: 1960)

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

1. In its previous comments, the Committee noted that a draft ordinance had been prepared providing for the repeal of the provisions of sections 18 to 21 of the Legislative Ordinance on minimum personal contributions, No. 71/087 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 allowing defaulting taxpayers to opt for the performance of work designated by the competent local authority and remunerated in accordance with the minimum wage legislation. This draft ordinance further provided for the complete repeal of Ordinance No. 15/APAJ of 20 January 1938 on the prison systems in indigenous districts.

The Committee notes the Government's statement that the text of this new ordinance will be supplied as soon as possible after its promulgation.

Recalling that this matter has been the subject of comment for many years, the Committee trusts that this draft provision, designed to ensure compliance with the Convention, will be adopted in the near future and that a copy of the text promulgated will be supplied.

2. The Committee previously noted that the services of medical practitioners and graduates may be requisitioned under Legislative Ordinances Nos. 68/071 of 1 March 1968 (amended in 1969) and 72/058 of 22 September 1972. It also noted that Legislative Ordinance No. 78/022 of 7 August 1978, which supplements Ordinance No. 72/058, allows certain categories of graduates of higher educational establishments to be requisitioned and provides that they shall receive their certificates of graduation only after completion of their compulsory service.

The Committee notes the Government's statements in its last report that, conscious of the fact that no major progress has yet been made in bringing the legislation into harmony with the Convention, the Government is organising working sessions bringing together competent officials of the ministries concerned to examine in detail all the legal provisions relating to civilian service and then draft amendments on the basis of their observations, making known their findings in due course.

Recalling the Government's earlier statements that the Legislative Ordinances of 1968 and 1972 were 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 graduates concerned, the Committee trusts that the necessary steps will soon be taken to bring all the legislation on civilian service into line with practice and with the Convention, and that the Government will report shortly on any progress made in this respect. In the meantime the Committee requests the Government to supply any available information as to the application in practice of Legislative Ordinance No. 78/022 of 7 August 1978 (such as the number of graduates requisitioned and the length of their service).

3. The Committee previously noted the provisions of Act No. 76/011 of 21 May 1976 concerning national development efforts to increase productivity, which require, under pain of penal sanctions, all able-bodied adults of Zairian nationality not regarded as already making their contribution within the employment framework (political representatives, wage earners and apprentices, civil servants, merchants, the liberal professions, the clergy, students) to perform agricultural work and other development work as decided upon by the Government.

The Committee notes the Government's statements that in practice these provisions are not strictly enforced, and that in certain regions the administrative authorities rarely have recourse to the performance of work decided upon within the context of the national development effort. The Committee notes that Departmental Order No. 00748/BCE/AGRI/76 of 11 June 1976, providing for the performance of civic duties under the national food production programme, issued in pursuance of Act No. 076/011 of 21 May 1976 concerning the national development effort, reaffirms that it is compulsory for every person covered by the Act to grow specified crops during each agricultural season as a civic duty under pain of penal sanctions, specifies the average area of the plots to be cultivated for each of the eight regions of Zaire (the city of Kinshasa being excepted) and extends its scope further than that of the Act to include palm fruit cutters, artisans and fishermen working the equivalent of eight hours a day,

compelling them to cultivate a plot half this size. The Committee notes the Government's statement that the work required under the national food production programme is viewed as a habitual task that growers are expected to perform and should accordingly be regarded as forming part of the statutory civic obligations to be fulfilled in the public interest to ensure that the population is supplied with staple food commodities, the income earned from the growing of these crops being exclusively reserved for the growers themselves.

The Committee recalls that except in cases of emergency arising out of a sudden and unforeseen event calling for immediate intervention to restore the situation to normal, all forms of compulsory cultivation are incompatible with the provisions of Articles 1 and 19 of the Forced Labour Convention.

Taking note of the Government's statement that the services concerned with the application of Act No. 76/011 have begun a detailed review of the Act and will be proposing appropriate amendments, the Committee trusts that the necessary steps will be taken very shortly to bring the texts at issue into conformity with the provisions of the Convention, and that the Government will indicate in its next report the amendments adopted.

4. The Committee notes that, within the context of the review of the Labour Code now in progress, provision is being made for breaches of the provisions prohibiting the exaction of work or service from any person under the menace of any penalty and for which the said person has not offered himself voluntarily, to be punishable by fines. The Committee hopes that the Government will be in a position to supply the text of the new Code with its next report.

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

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Austria, Bahrain, Bangladesh, Belgium, Benin, Bulgaria, Burma, Burundi, United Republic of Cameroon, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Cuba, Cyprus, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Romania, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Upper Volta, Venezuela, Yemen, Zaire, Zambia.

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

Convention No. 30: Hours of Work (Commerce and Offices), 1930Chile (ratification: 1935)

The Committee has taken note of the observation presented in February 1983 by the External Committee of the Single Central Organisation of Chilean Workers (CUT) alleging that the possibility exists of workers being required to perform 12 hours of work a day, with a possible prolongation up to 14 hours and 36 minutes. A copy of this observation was communicated to the Government in March 1983 to enable it to make any comments which it considered appropriate.

The Government has not so far made any comments on the subject of this communication from the CUT. The Committee notes, however, that a representation under article 24 of the Constitution, presented by the National Council of Trade Union Co-ordination, which also deals with this matter, is being examined by a committee appointed by the Governing Body. It has therefore suspended its examination of the case until its next session.

Iraq (ratification: 1962)

Article 7 of the Convention. The following provisions of the Labour Code, as amended by Act No. 110 of 1978, are not in conformity with this Article of the Convention on the following points:

- section 67(b)(5), under which normal hours of work may be extended if the work is required for development purposes;
- section 68(b)(3), which, for work other than industrial work, limits the number of hours of overtime to four per day without determining, as provided by paragraph 3 of this Article of the Convention, the number of additional hours that may be allowed, in respect of temporary exceptions, in the year.

The Committee again expresses the hope that the Government will shortly be able to take the necessary measures to bring the legislation into conformity with the Convention on these points.

Article 11. See under Convention No. 1 (Article 8).

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

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

With reference to its previous observations, the Committee again notes from the report of the Government that the model conditions of employment for dockworkers, which were to be prepared under Act No. 78/12 of 5 August 1978 respecting the general status of workers, have

not yet been adopted but that the work of the committee set up to deal with the workers in this sector is continuing.

The Committee can only urge the Government to adopt suitable rules in the very near future containing provisions to give effect to the Convention, which was ratified a number of years ago.

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

Argentina (ratification: 1950)

With reference to its previous observations, the Committee takes note of the statement by the Government to the effect that the general legislation on occupational safety and health (Act No. 19587 of 21 April 1972 and Decree No. 351/79 and its schedules, issued under this Act) also applies to dockers.

The Committee has examined the legislation in question and also Act No. 21429 of 29 September 1976 approving the Provisional Regulations respecting dock labour and Decree No. 890/80 respecting security arrangements in the harbours and notes with interest that these texts give effect to the basic provisions of the Convention.

The points on which further information would be necessary are set forth in a direct request to the Government.

Italy (ratification: 1933)

With reference to its previous observations, the Committee notes from the information supplied by the Government that the Bill to vest the Government with the power to issue uniform regulations on occupational safety and health in dock work, in accordance with the principles laid down in Act No. 833 of 1978, has not yet been adopted because Parliament has been dissolved, but that the Government will re-submit the Bill to Parliament as soon as possible.

The Committee trusts that the regulations that the Government has been mentioning for a number of years will be adopted very shortly and will give full effect to the Convention in all the ports of the country.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Panama (ratification: 1971)

The Committee has been calling attention for some years to the fact that there are no specific laws or regulations to give effect to the Convention. In its report received in 1979, the Government mentioned preliminary draft General Safety and Health Regulations for Dock Work, prepared with the assistance of the Interamerican Center for Labour Administration (CIAT/ILO), and stated that these Regulations were under study. In its last report, the Government refers to "industrial safety regulations", which are to be submitted to the Executive Committee of the National Port Authority, the

competent authority for matters coming under the Convention, but the Government states that it has not been able to establish whether the new regulations contain provisions corresponding to those of the Convention.

The Committee therefore can only reiterate the question and express the hope that the Government will not fail to take the necessary measures, either through laws or through regulations (for example through a resolution or instructions issued by the competent authority), with a view to ensuring the application of the Convention. The Committee also hopes that the next report will contain information on any progress made in this connection.

[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: Algeria, Argentina, Bangladesh, Denmark, Mauritius, Netherlands, Peru, Singapore.

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

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

Benin (ratification: 1960)

In the comments that it has been making for a number of years the Committee has pointed out that Order No. 1783/ITLS/D of 12 July 1954 does not take account of the provisions of Article 3, paragraph 2(b), of the Convention (which does not authorise light work during the night, that is to say during at least 12 consecutive hours) and of paragraph 4(b) of the same Article (limiting permissible light work to four and a half hours per day in countries where no provisions exist relating to compulsory school attendance). The Committee has therefore requested the Government to amend its legislation in order to bring it into conformity with the Convention. In its report of 1982 the Government indicated that a National Committee had been set up, under Decree No. 85-95 of 26 April 1980, to bring the Labour Code up to date. According to the Government, this should also cover all the matters raised in connection with this Convention.

As the Government's report for the period under review has not been received, the Committee is obliged to repeat its previous comments, trusting that the Government will make every effort to take the necessary action in the very near future and will indicate the progress made in this respect.

Central African Republic (ratification: 1962)

With reference to its earlier observations, the Committee notes from the information furnished to the Conference Committee in June

1983 and in the latest report of the Government that a draft decree has been prepared to bring the national legislation into conformity with the Convention and that it has been submitted to the Legislative Committee for adoption in the near future.

The Committee earnestly hopes that the above-mentioned decree will be adopted in the very near future and that it will give effect to the following provisions of the Convention:

- (a) Article 3, paragraph 1(c) and 4(b): (the duration of light work authorised for children over 12 years of age and attending school must not exceed two hours per day, the total number of hours spent at school and on work in no case exceeding seven per day; in countries where no provision exists relating to compulsory school attendance, the time spent on light work must not exceed four and half hours per day);
- (b) Article 3, paragraph 2(b): (children between 12 and 14 years of age must not be employed on light work during the night, that is to say, during a period of at least 12 consecutive hours including the interval between 8 p.m. and 8 a.m.).

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

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

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

Requests regarding certain points are being addressed directly to the following States: Argentina, Mexico.

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

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

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

Algeria (ratification: 1962)

Article 2 of the Convention. The Committee notes with interest that the work of the commission responsible for reorganising the social security schemes has resulted in the publication of six basic Acts (Official Gazette No. 28 of 5 July 1983). The Committee takes note in particular of the adoption of Act No. 83-13 of 5 July 1983 respecting occupational accidents and diseases, under section 64 of

which regulations are to be issued establishing the schedule of occupational diseases. The Government states that in the preparation of these texts account will be taken of the provisions of the Convention and that the texts will be communicated as soon as they are issued.

The Committee hopes that the texts in question will be adopted shortly and that account will be taken in the new schedule of occupational diseases of its earlier comments concerning the schedules of occupational diseases annexed to the Order of 22 March 1968, as amended. These comments were as follows:

- (a) the list of the various pathological manifestations appearing under each "disease" in the left-hand column of the schedules in the national legislation should be of an indicative nature, as is the list of corresponding activities appearing in the right-hand column of these schedules;
- (b) the wording of the items concerning poisoning by arsenic (schedules Nos. 20 and 21), manifestations due to the halogen derivatives of hydrocarbons of the aliphatic series (schedules Nos. 3, 11, 12, 26 and 27), and poisoning by phosphorus and certain of its compounds (schedules Nos. 5 and 34) should be replaced by a wording covering in general terms - like that of the Convention - all manifestations that may be caused by the above mentioned substances (a wording of this kind would make it possible also to cover diseases that might be caused by the utilisation of new products, as the Government points out in its earlier reports);
- (c) the activities that may cause anthrax infection (schedule No. 18) should include the loading and unloading or transport of merchandise in general, so as to cover workers, such as dockers, who may unwittingly have transported merchandise contaminated by the anthrax spore.

Barbados (ratification: 1967)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Employment Injury (Prescribed Diseases) (Amendment) Regulations, 1982, which amend the Employment Injury (Prescribed Diseases) Regulations, 1971, and contain a schedule of occupational diseases complying with the provisions of this Convention. The Committee also takes note of the adoption of the Accidents and Occupational Diseases (Notification) (Amendment) Act, No. 26 of 28 July 1983, which amends the Accidents and Occupational Diseases (Notification) Act, Cap. 338.

Guyana (ratification: 1966)

The Committee takes note of the statement by the Government to the effect that the Guyana National Insurance Scheme has been informed of the necessary amendments to bring the list of occupational diseases

into full conformity with the Convention and that every effort is being made to this end.

The Committee hopes that the list will be completed in the near future in the following way:

- (a) replacing items Nos. 1(x), (xi), (xii) and (xiv) of this list with an item containing, in general terms, all the halogen derivatives of hydrocarbons of the aliphatic series;
- (b) including an item No. 7, which refers to certain manifestations due to radiation, all manifestations due to radium, other radioactive substances or X-rays, and completing the activities likely to cause them;
- (c) including in items Nos. 1(i) and (v) concerning poisoning by lead or a compound of lead and by mercury or a compound of mercury, the alloys of lead and the amalgams of mercury respectively;
- (d) including in item No. 1(iii), which refers to poisoning by phosphorus or its compounds, the inorganic compounds of phosphorus;
- (e) adding to item No. 2, among the activities likely to cause anthrax infection, the loading and unloading or transport of merchandise, of whatever nature;
- (f) adding to the list silicosis with or without tuberculosis and the industries or processes involving a risk of this affection.

Furthermore, the Committee would be grateful if the Government on the same occasion would consider the possibility of including in the list of occupational diseases an explicit reference to the sequelae of the poisonings caused by arsenic and benzene (points (iv), (vii) and (viii) of item 1 of the schedule in Regulations No. 34 of 1969).

Turkey (ratification: 1946)

Article 2 of the Convention. With reference to its earlier comments, the Committee has noted the adoption of Regulation No. 16587, of 23 March 1979, amending social insurance procedures for health, which has modified the table of occupational diseases established by the Regulations for Social Insurance Procedures relating to Health. It notes with satisfaction that the new list of occupational diseases covers poisoning caused by arsenic compounds, as does the Convention. It also notes that the new list specifically mentions substances liable to cause primary epitheliomatous cancer of the skin, their compounds, products or residues, as does the Convention, but it notes that the varieties of pathological manifestations and of work involving exposure are limited. The Committee is making a detailed direct request to the Government on this and other matters.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Denmark, Papua New Guinea, Turkey.

Convention No. 44: Unemployment Provision, 1934Spain (ratification: 1971)

The Committee takes note of the statements made by the Government to the Conference Committee at the 69th (1983) Session, particularly concerning the application of Article 10, paragraph 1(c), of the Convention.

1. Article 10, paragraph 1(b), of the Convention (suitable employment). The Committee has drawn the attention of the Government to the need to refer, in the definition of "suitable employment", to the criteria set forth in this provision of the Convention. The Government states in its reply that, although the Employment Act, No. 51 of 8 October 1980, makes no explicit mention of the wage pertaining to the employment offered by the placement office, these criteria are recognised in practice and in the National Employment Agreement (ANE), which defines the notion of "suitable placement", and explains fully the suitability of the employment or post offered both from the occupational and from the economic points of view. The Government adds that clause III.8 of the ANE lays down that for the purpose of suspending the payment of unemployment benefit the rejected employment is deemed to be occupationally suitable where: (a) the employment offered is in the same occupational class or (b) there have been at the maximum two offers within the occupational groups defined by the General Council of the National Employment Institute, though such offers are not to be taken into account where the wage offered is lower than the amount of the unemployment benefit (a criterion also contained in the Resolution of the Directorate General of INEM, dated 24 July 1981).

The Committee ventures to point out to the Government that this last criterion is not in full conformity with the Convention, since the amount of the unemployment benefit under the Employment Act (Title II, Chapters II and III) is only a percentage of the average of the base on which contributions have been paid, whereas this provision of the Convention refers to the rate of wages and conditions of employment that the person concerned might reasonably have expected to obtain for an employment offered in his usual occupation and in the district where he was last ordinarily employed, and in other cases to those which conform to the standard generally observed at the time in the occupation and district in which the employment is offered.

In these circumstances, the Committee hopes that, when the planned revision of the Employment Act takes place, the Government will amend the definition of "suitable placement" given in section 23 of the Act so as to conform to the criteria set out in this provision of the Convention.

2. Article 10, paragraph 1(d). The Government has not indicated the provisions giving effect to this provision of the Convention. The Committee therefore once again requests the Government to provide this information in its next report.

3. Article 10, paragraph 2(b) (voluntary unemployment). With reference to its earlier comments, the Committee notes with interest the reply of the Government to the effect that despite the social and economic reasons that have delayed the extension of protection to all

the unemployed, including those who have lost their employment through their own misconduct or have left it voluntarily without just cause, the Government has undertaken to extend protection to these workers in the planned revision of the Employment Act, which is to take place shortly. The Committee hopes that this reform of the legislation will be carried out shortly so as to guarantee a minimum of protection to workers who have voluntarily left their employment.

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

Requests regarding certain points are being addressed directly to the following States: Australia, Swaziland.

Convention No. 52: Holidays with Pay, 1936

Ivory Coast (ratification: 1961)

Articles 2 and 4 of the Convention. In reply to the previous comments of the Committee, the Government states that the exceptional length of service (which may be as much as 30 months) needed for entitlement to the holiday authorised by section 108, subsection 2, of the Labour Code relates to workers who are not natives of the country and for whom a holiday is taken outside the territory of the Republic in the place of their normal residence, and that this is justified by the greater length of the holiday accorded to these workers.

The Committee points out, however, that under these provisions of the Convention every person is entitled after one year of continuous service to an annual holiday of at least six working days and that any agreement to relinquish this right is void. It therefore requests the Government to indicate the measures under consideration to bring its legislation into conformity with the Convention and to indicate to the Office the conclusions of the Labour Advisory Committee, to which the Bill to amend section 108, subsection 2, of the Labour Code was submitted in 1976.

Libyan Arab Jamahiriya (ratification: 1962)

The Committee notes from the report of the Government that its comments have been communicated to the authorities responsible for promulgating and amending laws. The Committee hopes that section 38 of the Labour Code, which has been the subject of comments for many years, will be amended so as to bring the legislation into conformity with practice and to exclude expressly from the annual holiday interruptions of attendance at work due to sickness, in accordance Article 2, paragraph 3(b), of the Convention.

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

Convention No. 53: Officers' Competency Certificates, 1936

Finland (ratification: 1947)

Article 3 of the Convention. The Committee notes with interest from the Government's report that the number of exceptions granted to officers and to officer engineers has been decreasing.

The Committee refers to its earlier comments regarding observations submitted by the Finnish Seamen's Organisations. It notes from the Government's report, with reference to domestic traffic, that the Finnish Ship Officers' Union has stated its opposition to the granting of exceptions on the basis of vessel ownership alone. The Committee recalls that exceptions to the application of the provisions of Article 3 may be made only in cases of force majeure.

The Committee also notes that the draft decree on ships' officers' professional capacity, to which it referred in its comments in 1980, is still under preparation, and that additional legislation on the Safe Manning Certificate is being drawn up. The Committee hopes these measures will effectively limit exceptions to cases of force majeure.

Liberia (ratification: 1960)

The Committee refers to its previous comments and hopes that the Government will soon be able to provide the information requested concerning the activities of the inspection services, particularly that concerning the number and nature of contraventions reported and the action taken on them (Point V of the report form).

Mauritania (ratification: 1963)

Further to its previous observation, the Committee notes the Government's statements that ships' officers are trained abroad, that these officers are serving in the fishing industry, and that no institutions for the training of ships' officers have been established in Mauritania. The Committee recalls that, by a decision taken by the Conference at the time of the Convention's adoption, it is applicable to fishing vessels. The Committee also recalls that Article 3 of the Convention refers to certificates of competency "issued or approved by the public authority of the territory where the vessel is registered". Since under section 90 of the Merchant Shipping Code of 1978 the conditions governing the acquisition of certificates of competency are to be fixed by Order, the Committee trusts that the Government will adopt appropriate provisions governing

the issuance or approval of certificates in compliance with the requirements of the Convention.

Panama (ratification: 1970)

With reference to its previous comments, the Committee notes with satisfaction the adoption of Cabinet Decree No. 7 of 19 May 1983 which gives legislative effect to the Convention. The Committee hopes that the necessary measures will be taken in the near future to implement the decree so as to ensure effective application of the Convention, including the organisation and supervision of examinations and the verification of compliance with other requirements for the issuance of certificates, the establishment of a system of inspection in port and on board ships, with appropriate penalties, in accordance with Articles 3, 4, 5 and 6 of the Convention.

The Committee has been informed that the Government has requested the ILO's assistance in the implementation of the decree. It requests the Government to provide full information on developments in this field.

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

Philippines (ratification: 1960)

Referring to its previous comments, the Committee notes with satisfaction that Memorandum-Circular No. 03-82 of 14 July 1982 of the Philippine Coast Guard, respecting inspection procedures for vessels, provides in Part V(A)(6) for the detention of vessels on account of a breach of the provisions of the Convention, in accordance with the requirements of Article 5, paragraph 2.

* * *

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

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

Requests regarding certain points are being addressed directly to the following States: Djibouti, United States.

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

Panama (ratification: 1971)

1. Article 1 of the Convention (scope). The Committee takes note with satisfaction of the adoption of Resolution No. 1348-83 J.D., of 14 April 1983, under section 1 of which the social insurance scheme covers single foreigners (workers) or married foreigners with a Panamanian wife or with the children of a Panamanian mother.

The Committee observes, however, that, as under Resolution No. 738 of 18 August 1976, married foreigners with a wife who are not Panamanian or with children whose mother is not Panamanian are excluded from the social insurance scheme. The Committee ventures to point out that the Convention makes no distinction on the basis of nationality - the sole exception authorised in this connection being that provided for by Article 1, paragraph 2(d), in respect of persons not resident in the territory of the Member. It therefore hopes that the necessary measures will be adopted so that all foreign seamen, without exception, residing in Panama and enlisted on board a vessel registered in that country, are covered by compulsory sickness insurance.

2. The Committee takes note of the documents prepared by the Social Insurance Fund of Panama on "the integration of the Health Services" and "the Integrated Health System of Panama" dated 1978 and 1980 respectively.

* * *

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

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

Liberia (ratification: 1960)

The Committee has been pointing out for some years in its observations that, under section 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 in its reports to the proposed new Labour Law and to a draft Decree incorporating provisions to implement the Convention. A Government representative stated at the Conference Committee in 1983 that it was hoped that these texts would be adopted

soon. The Committee trusts that the Government will soon be able to supply the text of any suitable provisions adopted.

* * *

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

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

Sierra Leone (ratification: 1961)

In reply to the observations that the Committee has been making for a number of years, the Government again indicates that the Joint Consultative Committee, which advises the Government on all labour matters, has been reconstituted and will examine the comments of the Committee of Experts at its next sitting.

The Committee trusts that the necessary measures will soon be taken to bring the national legislation into conformity with the following provisions of the Convention:

Article 4 of the Convention. Obligation of the employer in an industrial undertaking to keep a register of all persons under the age of 18 employed by him, and of their date of birth.

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

The Committee requests the Government to provide information on any progress made in this respect.

[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: Bangladesh, Democratic Yemen, Fiji, Iraq, Philippines, Swaziland, Tunisia.

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

Algeria (ratification: 1962)

For a number of years the Committee has been calling the attention of the Government to the need to adopt legislation giving effect to the Convention, since the provisions on safety in the building industry have been repealed by Ordinance No. 73-29, which came into force in July 1975.

The Government has stated, in its earlier reports and to the Conference Committee, that following the adoption of Act No. 78-12 of 5 August 1978 concerning the general status of workers many draft decrees concerning the building industry and hoisting equipment had

been prepared, that a draft basic law respecting the prevention of occupational risks had been submitted to the Council of Ministers for transmission to the National Assembly and that draft decrees providing for safety measures in all sectors of activity would be promulgated during 1983 at the latest.

In its last report, the Government states that the promulgation of the texts concerning the prevention of occupational accidents and the protection of workers' health has been delayed, priority having been given during 1983 to legislation on job classification and the establishment of the new national wages policy.

The Committee trusts that legislation giving effect to the Convention will be adopted very shortly, all the more as - according to the statements of the Government - the sector of building and public works is becoming more and more important in the country and at present employs more than half a million workers.

The Committee therefore hopes that the Government will not fail to indicate the progress made in this connection and to communicate the information referred to in the direct request of the Committee.

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

Central African Republic (ratification: 1964)

The Committee has taken note of the information supplied by the Government to the Conference Committee in June 1983 as well as in its last report. It recalls that, following the direct contacts that took place in 1978, the Government has worked out a draft decree to ensure the application of the whole Convention and that this decree is, according to the Government's statement, in the process of adoption. The Committee notes, however, that the report of the Government does not contain any information on the possible adoption of this decree. It must therefore once again repeat its previous comments and trusts that the draft in question will be adopted in the very near future and that the Government will not fail to indicate any progress achieved in this respect.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Guatemala (ratification: 1973)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of the Governmental Order of 17 September 1981 "concerning the regulations on the application of Convention No. 62", which reproduce in an appendix Articles 7 to 18 of the Convention with a view to giving effect to them in national law and practice. This order also contains provisions on the persons and bodies responsible for supervising the application of the above-mentioned standards and on penalties in the event of infringement.

Mauritania (ratification: 1963)

For a number of years, the Committee has been drawing the Government's attention to the need to amend section 42 of Order No. 10281 of 2 June 1965 for the application of certain provisions of Book II of the Labour Code, so as to lay down a minimum age for the employment of young persons as crane operators and signallers, in accordance with Article 13, paragraph 2, of the Convention.

In 1979, in the course of direct contacts with the national competent authorities, a draft order was prepared for this purpose, but according to a statement made by the Government to the Conference Committee in 1982 this order was to be adopted as soon as the revision of the Labour Code, which was already under way, was completed.

As the Government has not supplied a report, the Committee must raise the matter again, in the hope that the Government will not fail to indicate the measures taken to give effect to the above-mentioned provision of the Convention, whether by the adoption of the order prepared during the direct contacts or by some other statutory measure.

Peru (ratification: 1982)

Following its previous comments, the Committee notes with satisfaction the adoption of the Presidential Resolution No. 021-83-TR of 23 March 1983, which approves basic regulations for the safety and hygiene of work in the civil construction industry and gives therefore effect to Articles 10; 15, paragraph 1; 16 and 18 of the Convention, which were the subject - among others - of the above-mentioned comments.

* * *

In addition, a general direct request is being addressed to all States having ratified the Convention. Requests regarding certain points are being addressed directly to the following States: Algeria, Colombia, Denmark, Finland, Guatemala, Mexico, Peru, Spain.

Convention No. 63: Statistics of Wages and Hours of Work, 1938Chile (ratification: 1957)

The Committee notes the information provided in response to its previous observation. In its report, the Government refers to a publication entitled "Labour Statistics 1979-81", which it indicates is to appear soon; the Committee requests that a copy be forwarded to the Office as soon as the publication is available.

Part II of the Convention

Article 5, paragraph 1. The Committee notes with satisfaction that statistics are now being compiled and published for building and construction as well as for manufacturing and mining.

Article 5, paragraph 2. From the publication "Wage Indices: Sources and Methodology", submitted with the Government's report, the Committee notes the statement in this publication (on p. 5) that the average wages cited may possibly be higher than those earned by self-employed persons and by employees and workers in firms or establishments employing fewer than 20 persons (who were not covered in the statistics provided). It requests the Government to indicate the approximate proportion of the workforce which these categories of persons represent, with reference to this Article's requirement that statistics on average earnings be compiled on the basis of a representative sample of establishments and wage earners. In addition, with reference to the information provided by the Government as to statistics of time rates of wages and normal hours of work in mining and manufacturing, the Committee requests the Government to indicate whether, and in which branches of activity, the monthly rates paid under the Minimum Employment Programme, mentioned in its report, are included in the statistics of average earnings compiled in compliance with Part II of the Convention.

Article 10, paragraph 2. Referring to its previous observations, the Committee again notes that the statistics of average earnings have apparently not been supplemented by separate figures for each sex and for adults and juveniles. It also notes that the forms furnished by the Government with its report, for use by the National Institute of Statistics in the compilation of labour statistics, do not contain questions regarding the sex or the age of workers. The Committee hopes that the Government soon will find it possible to collect the data called for by this paragraph of the Convention and to publish it within the intervals provided for in this Article.

Article 12, paragraph 2. The Committee notes from the information provided by the Government relative to index numbers that these numbers are based upon wage statistics compiled for medium-sized and large firms only ("Wage Indices: Sources and Methodology", p. 5). It further notes that Act No. 15,163 provides that for the determination of the indices for wages and salaries, the salaries of the workers and employees of the Gran Minería del Cobre (copper mining), the Compañía Acero del Pacífico (steel production), the Empresa Nacional del Petróleo (petroleum), and companies manufacturing paper and cellulose are not included (cited on p. 1). With reference to these exclusions, the Committee requests the Government to state the approximate numbers of workers employed in these companies and to indicate the ways in which due account has been taken of the relative importance of the different industries for the compiling of index numbers.

Part IV of the Convention

Article 22, paragraphs 1 and 2. The Committee notes the information in the Government's report to the effect that statistics

are not compiled on average wages paid to workers in agriculture and fishing ("Wage Indices", p. 5), but that in relation to wage statistics in agriculture, the National Institute of Statistics uses the information on the minimum wage in agriculture, which corresponds to the amount of the Minimum Income. The Committee requests the Government to indicate whether this amount corresponds to wages actually paid. It also requests the Government to indicate the nature of the allowances in kind (including housing), if any, by which money wages in agriculture are supplemented, and, if possible, an estimate of their monetary value (paragraph 2(c)).

Mexico (ratification: 1942)

The Committee notes the information supplied by the Government regarding the statistics compiled.

Articles 1 and 5 of the Convention. The Committee notes that the latest statistics compiled and published on average earnings and hours actually worked in manufacturing and in building and construction relate to 1981 and 1982, but that it has not yet been possible to compile the necessary statistics for workers in mining. The Committee hopes that the Government will soon be able to ensure that all the statistics required by Article 5 are compiled, published and sent to the ILO within the time limits laid down in Article 1.

Articles 12 and 21 of the Convention. The Committee notes that the Government has again stated that it has not been possible to compile the data required by these Articles. The Committee reiterates its hope that the Government soon will be able to compile and publish index numbers for mining, manufacturing, and building and construction, showing the general movement of earnings and the general movement of wage rates, in accordance with the provisions of these Articles.

Panama (ratification: 1971)

Part II of the Convention. The Committee notes with interest from the Government's report that household surveys were reinstituted in 1982. It hopes that the Government will be able to indicate in its next report that statistics on the average earnings in the sectors of building and construction and mining are now being compiled and published regularly, and that it will communicate to the ILO the data compiled.

Parts II and III. The Committee regrets that it has still not been possible to adopt measures to give effect to the provisions of the Convention which deal with statistics on hours actually worked. It hopes that the Government will be able to achieve progress in the near future in regard to the compilation, publication and communication to the ILO of these statistics, and it requests the Government to provide information in its next report concerning the measures taken or contemplated in this regard.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Australia, Barbados, Burma, Canada, Czechoslovakia, Denmark, Djibouti, Egypt, Finland, Ireland, Kenya, Mauritius, South Africa, Syrian Arab Republic, Tanzania.

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

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

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

Convention No. 68: Food and Catering (Ships' Crews), 1946

Panama (ratification: 1970)

With reference to its previous comments, the Committee notes with satisfaction the adoption of Cabinet Decree No. 6 of 19 May 1983, which gives legislative effect to the Convention. The Committee hopes that the necessary measures will be taken in the near future to implement the decree so as to ensure effective application of the Convention, including the adoption of regulations on food and catering on board ships, the appropriate training and certification of members of the catering department and the setting up of a system of inspection in port and on board ships, in compliance with the requirements of the relevant Articles of the Convention.

The Committee has been informed that the Government has requested the ILO's assistance in the implementation of the decree. It asks the Government to provide full information on developments in this field.

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

Peru (ratification: 1962)

The Committee notes with regret from the Government's report that regulations on food and catering on board ship have still not been adopted. It hopes that the Government will be able, at an early date, to take the necessary measures to give effect to the Convention, whose application was the subject of direct contacts in 1972 and 1978.

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

Peru (ratification: 1962)

Article 3 and 4 of the Convention. With reference to its earlier observations, the Committee notes the Government's statement in its report that the draft regulations, to give effect to these provisions of the Convention, are still under study and have not been approved. It refers to the comments it has made concerning the provisions of the draft in a direct request.

The Committee hopes that the Government will be able to adopt the necessary measures to give effect to Articles 3 and 4 of the Convention at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: Greece, Panama, Peru, United Kingdom.

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: Djibouti, Peru.

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

Panama (ratification: 1971)

Further to its previous comments, the Committee notes with satisfaction the adoption of Resolution No. 614-22-ALCN of 21 February 1981 of the General Directorate of Consular Affairs and Shipping, a copy of which was communicated by the Government, which establishes the obligatory nature of a medical examination prior to the engagement of ships' officers and determines the nature of said examination, thereby giving effect to the Convention with respect to those members of the crew.

* * *

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

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

The Committee refers to its previous observation concerning the comments made by the Federation of Seafarers' Unions, to the effect that the reduction to one year by Ministerial Order (Portaria) No. 58/79 of the period of service at sea of a seaman on a fishing vessel (marinheiro-pescador) is not in conformity with Article 2, paragraph 2, of the Convention.

The Committee further takes note of the comments made by the General Confederation of Portuguese Workers and communicated with the Government's report, to the effect that Ministerial Order (Portaria) No. 253/80, which further reduces to six months the required period of service at sea for a seaman on a fishing vessel (marinheiro-pescador), is incompatible with Article 2, paragraph 2.

The Committee notes in this connection the view expressed by the Government and also that of the Confederation of Portuguese Industry communicated with the Government's report, that the Convention does not apply to fishing vessels.

The Committee recalls that Article 1 of the Convention requires the appropriate certification of any person engaged on any vessel as an able seaman. The requirements of the Convention on conditions for qualification under Article 2 do not apply to fishermen as such. However, as the Committee has stated in its previous observation, where a seaman on a fishing vessel has to carry out duties in the deck department corresponding to those required of an able seaman, therefore the conditions laid down in Article 2 would apply.

* * *

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

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

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Law No. 83-13 of 21 July 1983 relating to the protection of disabled persons, which gives effect to Article 6, paragraphs 1 and 2, of the Convention.

* * *

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

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

United Republic of Cameroon (ratification: 1970)

Article 6, paragraphs 1 and 2, of the Convention. See under Convention No. 77.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, United Republic of Cameroon, Iraq.

**Convention No. 79: Night Work of Young Persons
(Non-Industrial Occupations), 1946**

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

Convention No. 81: Labour Inspection, 1947

Bangladesh (ratification: 1972)

Articles 20 and 21 of the Convention. The Committee notes that no annual report on the work of the labour inspection services has been published since the ratification of the Convention. It hopes that the Government will not fail 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 an annual report of inspection containing all the information specified in Article 21.

Bolivia (ratification: 1973)

Article 5 of the Convention. The Committee notes, from the information furnished to the Conference Committee in 1983, that in practice co-operation exists between the various inspection services and also between the labour inspectors and the employers and workers. It would be grateful if the Government with its next report would give full information on the precise measures taken to make this co-operation as effective as possible, particularly in the light of the recommendations (Nos. 42 and 43) made in 1980 by the Inter-American Centre for Labour Administration.

Article 6. The Committee hopes that the Bill referred to by the Government in reply to its previous observation will be adopted shortly and will give the members of the inspection staff a status assuring them of stability and independence in their employment.

Article 10. In its report on the application of the Convention, the Government recognises that the number of inspectors is inadequate and that, in certain remote districts, inspection duties are entrusted to the political and judicial authorities. The Committee notes the reasons referred to by the Government for this situation, but hopes that measures will shortly be taken to increase the number of the inspection staff so that the inspectors may discharge their duties effectively over the whole of the national territory.

Article 11, paragraph 1. The Government states that, owing to the lack of funds due to the economic situation of the country, the material facilities (offices and transport facilities) furnished to the inspectors are not adequate. The Committee notes these explanations, but hopes that the Government will be able to take suitable measures to enable the inspectors to discharge their duties in the best possible conditions.

Article 16. With reference to the previous observation of the Committee, the Government states that the susceptibility of the undertakings with regard to labour inspection and the lack of staff to carry out effective and comprehensive inspections explain the present practice, in accordance with which the inspectors visit the workplaces only as a result of complaints or denunciations by the workers. The Committee trusts that this practice will be changed, as the Government indicates in its reply, and that suitable measures will be taken to ensure that all workplaces liable to inspection are inspected thoroughly and regularly, in accordance with this Article of the Convention.

Articles 20 and 21. Observing that instructions have been issued to give effect to these Articles of the Convention, the Committee hopes that the Government will take the necessary steps to accelerate the work leading to the drawing up of an annual report of inspection containing all the information provided for by Article 21, and that it will shortly be published and transmitted to the ILO.

Chad (ratification: 1965)

In a communication to the Conference Committee in 1983, the Government states that in the absence of qualified staff and on account of the continuing effects of the war on the labour inspection system, it has no data or information on the application of the Convention.

The Committee takes note of this statement and hopes that the Government will be able to furnish with its next report replies to the comments it has already made, which are repeated in a direct request. These comments concern the application of the following Articles: 7, paragraph 3; 11, paragraph 2; 12, paragraph 2; 13, paragraph 2(b); 20 and 21 of the Convention.

Colombia (ratification: 1967)

Articles 20 and 21 of the Convention. The Committee notes that no report on the work of the inspection services has been transmitted

to the ILO since 1970. It trusts that the Government will not fail to take the necessary measures to ensure that an annual report on inspection containing all the information called for by Article 21 is published and transmitted to the ILO within the periods laid down by Article 20 of the Convention.

Cuba (ratification: 1954)

With reference to its earlier comments, the Committee notes with satisfaction that Instruction No. 2438 of 23 September 1983, which calls on inspectors both to treat as absolutely confidential the source of any complaint bringing to their notice a breach of the legislation on labour, social security or the protection of workers and to give no intimation that a visit of inspection was carried out in consequence of the receipt of a complaint, gives effect to Article 15(c) of the Convention.

Articles 20 and 21 of the Convention. The Committee takes note with interest of the information furnished by the Government to the effect that the annual report of inspection is being printed. It hopes that a copy of this report will shortly reach the ILO and trusts that in future reports of inspection may be published and transmitted to the ILO within the periods laid down by Article 20 of the Convention and that they will contain all the information provided for by Article 21.

Dominican Republic (ratification: 1953)

Article 6 of the Convention. With reference to its earlier observations the Committee notes from information provided by the Government that the draft conditions of service for the civil service, which the Government referred to in its previous report, have been submitted to the Senate of the Republic. It hopes that these conditions of service will be adopted shortly and asks the Government to provide the text as soon as it is adopted.

Article 13, paragraphs 2(b) and 3, and Article 14. The Committee regrets to note that no progress has been made in giving effect to the following provisions of the Convention:

- Article 13, paragraphs 2(b) and 3, under which labour inspectors must have the right to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers, and
- Article 14, under which the labour inspectorate must be notified not only of industrial accidents but also of occupational diseases.

The Committee notes, however, the statement by the Government that its comments on this matter have been sent to the Chamber of Deputies, which will take them into account during the consideration of the draft new Labour Code. It trusts that the Government will not fail to take the necessary measures to ensure that this draft, which the Government has been referring to for some years, is adopted

shortly and will give effect to the above-mentioned provisions of the Convention.

Finland (ratification: 1950)

The Government's report indicates that the Central Organisation of Finnish Trade Unions draws attention to the fact that according to the report on inspection activities prepared by the National Board of Labour Protection, the number of inspections carried out has continued to decline since 1975 and the number of injunctions and coercive measures to diminish. The Central Organisation considers that on the basis of statistics of industrial injuries it is not possible to conclude that the development they show would be a proof of tangible improvement in conditions of work and occupational safety. In addition it states that there are problems and defects in the supervision of the application of labour protection provisions. The resources and activities of the authorities are not satisfactory in all communes. In practice the authorities do not always raise charges even in cases of serious neglect, if the violation of the law has not led to a worker's disability or death.

The Committee trusts that the Government will give full consideration to the above comments and asks it to supply information on any developments in this respect.

France (ratification: 1950)

The Committee takes note of the information provided by the Government in reply to its earlier comments concerning Article 3, paragraph 2, and Article 10 of the Convention, which relate to the duties and the numerical strength of the labour inspectorate.

Articles 17 and 18 of the Convention. In reply to the previous observation of the Committee, the Government states that there are plans to set up a working party bringing together representatives of the judiciary and representatives of the Labour Inspectorate, with the purpose of assessing the situation concerning relations between the ministries of justice and labour in respect of the drawing up of reports, their reference to the public prosecutor and any consequent penal action, and that this working party should later lay down the basis for effective co-operation between the two services. The Committee hopes that the activities of this working party will lead to a more effective supervision of the labour laws by means of adequate penalties for any violations observed, in accordance with Articles 17 and 18 of the Convention. It asks the Government to provide detailed information on the results obtained. It would also be grateful for information on the conclusions of studies undertaken by the regional labour and employment authorities mentioned by the Government in its report of 18 October 1983.

Articles 20 and 21. The Committee notes with interest that a central support and co-ordination mission of the external services for labour and employment, whose tasks include the drafting of the annual

report of inspection, has been established by Decree dated 5 November 1982.

Further, the Committee notes the Government's report on the application of the Convention for 1982 which contains all the information provided for by Article 21. It would be grateful if the Government would state if the annual inspection report was published in accordance with this provision of the Convention.

Greece (ratification: 1955)

The Committee takes note of the information provided by the Government in reply to its comments concerning the application of Article 13 of the Convention in respect of the right of labour inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

Article 12, paragraph 1(c)(iv) of the Convention. With reference to its previous observations concerning the need to adopt legislative measures authorising labour inspectors to take or remove for purposes of analysis samples of materials and substances used, the Committee notes from the report of the Government that a draft basic Act is being prepared to regulate this question. It hopes that the draft will be adopted very shortly.

Guinea (ratification: 1959)

Article 13, paragraph 2, of the Convention. In reply to the previous observation of the Committee, the Government states that under sections 10 and 11 of Decree No. 253/PR6 of 17 July 1974 the findings of an inquiry or of a verification by the industrial physician entail immediately executory decisions by the labour inspectorate. The Committee observes, however, as it has already done in its earlier comments, that the national laws contain no provisions conferring explicitly on labour inspectors the right to order measures with immediate executory force. It therefore hopes that the amendment of the Labour Code mentioned by the Government in its report will take place shortly and will add a provision conferring on labour inspectors 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 the workers.

Articles 20 and 21. The Committee notes that the reports on the work of the inspection services for 1981 and 1982 have not reached the ILO. It hopes that the Government will not fail 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 provided for by Article 21.

Haiti (ratification: 1952)

The Committee has taken note with satisfaction of the adoption of the Act of 19 September 1982 on the public service, which assures the staff of the inspection service of a status in conformity with Article 6 of the Convention.

Articles 20 and 21. The Committee has noted that the annual report of the general labour inspection service for the period 1980-81, which according to assurances given by the Government was to be published in the review Prévention, has not yet been received at the ILO. It trusts that the Government will not fail to take the necessary measures to ensure that in future the annual inspection reports, containing all the information provided for by Article 21 of the Convention, are published and communicated to the ILO within the time limits laid down in Article 20.

Jamaica (ratification: 1962)

The Committee notes with regret that the Government's report has not been received. It hopes that a report will be supplied for its next session and that it will contain information on the following points which were the subject of its previous comments.

Article 13, paragraphs 2(b) and 3, of the Convention. The Government has been referring for a number of years to draft legislation intended to give effect to this provision of the Convention. It stated to the Conference Committee in 1983 that in its opinion the most appropriate mechanism in this connection would be by judicial procedure. The Committee therefore hopes that the Government will take the measures necessary to give to labour inspectors the right to bring cases of imminent danger for the health or safety of workers before the judicial authorities so that they may immediately take executory measures.

Article 14. The Committee once more expresses 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, will soon be adopted, and requests the Government to indicate in its next report the progress made in this connection.

Jordan (ratification: 1969)

The Committee takes note of the information provided by the Government to the effect that the new draft Labour Code is to come into force soon. It hopes that this draft, in accordance with the assurances already given, will be adopted in the near future and will contain provisions conforming to the Convention, particularly in respect to the following Articles, which have been the subject of earlier comments by the Committee: Article 11, paragraph 2 (reimbursement of travelling expenses to the inspectors); Article 12, paragraph 1 (a), (b) and (c) (iv) (power of inspectors to visit 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 inform the inspectorate of industrial accidents and cases of occupational disease); and Article 15 (prohibition of inspectors from having any direct or indirect interest in the undertakings under their supervision).

The Committee returns to these comments in a direct request, in which it also raises certain other points.

Kuwait (ratification: 1964)

Article 13, paragraph 2, of the Convention. Further to its previous comments, the Committee notes with satisfaction the adoption of Ministerial Decision No. 59/1982, which supplements Ministerial Decision No. 43/1979 and empowers labour inspectors to stop the work completely or partly or stop a machine or an industrial operation in the event of imminent danger to the health or safety of the workers, until steps have been taken to eliminate the danger.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee has noted, from the Government's report, that its previous comments have been transmitted to the authorities responsible for the amendment of the legislation in force. It recalls as it has done for several years that appropriate legislative measures should be taken to give effect to the following Articles of the Convention:

Article 12, paragraph 1(a). (Right of the inspectors to enter workplaces liable to inspection at any hour of the day or night, and particularly outside working hours.)

Article 12, paragraph 1(b). (Right of the inspectors to enter by day any premises which they may have reasonable cause to believe to be liable to inspection.)

Article 12, paragraph 1(c)(iv). (Right of inspectors to take samples.)

Article 13, paragraphs 2 and 3. (Power of inspectors to make orders requiring preventive measures, immediately or within a specified time limit, in case of danger to the health and safety of workers.)

Article 14. (Notification to the labour inspectorate of occupational diseases.)

Article 15(c). (Confidential nature of complaints.)

Articles 20 and 21. The Committee has noted that no annual inspection report has yet been sent to the ILO. It hopes that in future annual reports on inspection work will be published and sent to the ILO in the time limits set out in Article 20 of the Convention and that they will contain all the information provided for by Article 21.

Malawi (ratification: 1965)

Articles 20 and 21 of the Convention. The Committee notes with regret that for several years, despite the assurances given by the Government, no reports on the work of the labour inspection services have been transmitted to the ILO. It trusts that the Government will not fail to take the necessary steps to ensure that in future annual inspection reports are published and transmitted to the ILO within the time limit prescribed by Article 20 of the Convention, and that these reports will contain all the information required by Article 21.

Mauritania (ratification: 1963)

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

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. The Committee regrets to note that no report of inspection has been published since 1972. 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 they refer to and transmitted to the ILO within three months of publication. The Committee hopes that the Government will not fail to take the necessary measures to ensure the publication and transmission to the ILO, within the periods laid down, of annual reports of inspection containing all the information specified in Article 21 of the Convention.

Pakistan (ratification: 1953)

The Committee notes with regret that the Government considers it inopportune to amend the national legislation with a view to giving full effect to Articles 12, paragraph 1, 13, 14 and 15 of the Convention which have been the subject of its comments over many years. It requests the Government to reconsider its position in the

light of the contents of a direct request addressed to it and to supply in its next report information on measures taken or under consideration to ensure the application of the above-mentioned provisions of the Convention.

Paraguay (ratification: 1967)

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

Articles 20 and 21. The Committee has duly noted the Government's statement that it will send to the ILO the annual labour inspection reports within the time limits laid down in Article 20 and the reports will be published in the Ministry of Justice and Labour Information Review. It hopes the annual report will thus soon be published and sent to the ILO, containing all information requested by Article 21 of the Convention, and that in future the time limits laid down in Article 20 will be observed.

Sierra Leone (ratification: 1961)

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

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.

The Committee hopes that the Government will make every effort to ensure the publication of the annual inspection reports containing all the information specified in Article 21 of the Convention.

Suriname (ratification: 1976)

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

The Committee 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.

Switzerland (ratification: 1949)

Article 13, paragraphs 2(b) and 3, of the Convention. With reference to its previous observation, the Committee expresses the hope that the draft Ordinance on the prevention of occupational accidents and diseases, which is referred to by the Government in its report as being in process of drafting, will give full effect to these provisions of the Convention respecting measures with immediate executory force in the event of imminent danger to the health or safety of the workers. It asks the Government to transmit the text of the Ordinance as soon as it is adopted.

Tanzania (ratification: 1962)Tanganyika

Articles 20 and 21 of the Convention. In reply to the previous observation of the Committee, the Government states that, owing to persistent economic difficulties, it has not yet been able to publish the annual reports of the labour inspection services, but that it is resolved to intensify its efforts with a view to finding a solution enabling it to honour its obligations under the Convention.

The Committee again expresses the hope that the efforts made by the Government will result in the early publication of such reports and their transmission to the ILO within the periods laid down by Article 20 of the Convention, and that they will contain all the information provided for by Article 21.

Uganda (ratification: 1963)

Articles 20 and 21 of the Convention. Further to its previous comments, the Committee takes note of the efforts made to enable annual labour inspection reports to be published shortly. It trusts that these efforts will soon meet with success and that in future the Government will be able to ensure that these reports are published and transmitted to the ILO within the time limit prescribed by Article 20 of the Convention, and that they will contain all the information provided for in Article 21.

United Kingdom (ratification: 1949)

Article 10 of the Convention. The Committee observes from the reports on the application of the Convention that the numerical strength of the inspection services has been decreasing for some years. It would be grateful if the Government would indicate the reasons for this trend and supply detailed information on the measures being considered with a view to correcting it.

Yugoslavia (ratification: 1955)

With reference to its earlier comments, the Committee notes with satisfaction, from the information provided by the Government, that: (1) the legislation of the Republics of Croatia and of Montenegro and of the Province of Kosovo has been amended so as to provide explicitly for the right of labour inspectors to enter at any hour any workplace liable to inspection, in accordance with Article 12, paragraph 1 (a), of the Convention; (2) the Occupational Safety Law of the Republic of Croatia has been amended and lays down the obligation to notify the labour inspectorate of cases of occupational disease, as required by Article 14 of the Convention; (3) the 1983 Labour Inspection Law of the Republic of Croatia provides for the obligation of the inspectors to treat as confidential the source of complaints and thus gives effect to Article 15 (c) of the Convention.

Articles 14 and 15 (c) of the Convention. The Committee notes with interest that, in the republics and provinces where the legislation does not yet give effect to these provisions of the Convention, it will shortly be completed correspondingly. The Committee hopes that the next report to the Government will state that the amendments referred to have been adopted.

Zaire (ratification: 1968)

Articles 20 and 21 of the Convention. The Committee takes note of the information contained in the annual report of the Inspectorate General of Labour for 1979. It hopes that the reports for the period 1980-82 will shortly reach the ILO and that they will contain all the information called for by Article 21 of the Convention, including laws and regulations relevant to the work of the inspection service, statistics of inspection visits and statistics of violations and penalties imposed (subparagraphs (a), (d) and (e) of Article 21), which do not appear in the report for 1979.

The Committee also asks the Government to state whether the annual reports of inspection are published so that all concerned can study them.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Burundi, United Republic of Cameroon, Cape Verde, Chad, Colombia, Comoros, Costa Rica, Cuba, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Gabon, Federal Republic of Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, India, Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Sweden,

Switzerland, Syrian Arab Republic, Tunisia, Turkey, Uganda, Upper Volta, Uruguay, Venezuela, Yemen, Zaire.

Information supplied by Austria, Bulgaria, Spain and the United Kingdom in answer to a direct request has been noted by the Committee.

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

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

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.

Another member of the Committee, Mr. Ivanov, associated himself with Mr. Gubinski's observation. 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 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.

Argentina (ratification: 1960)

The Committee takes note of the statement by the Government representative to the Conference Committee in 1983. It also notes the Government's report to the Committee on Freedom of Association and the report of that Committee on Case No. 842, approved by the Governing Body at its 224th Session (November 1983).

The Committee takes note with satisfaction of the progress made towards a general improvement in the trade union situation and in particular the adoption of Act No. 22825 of 3 June 1983 which, by repealing Acts Nos. 21261 and 21400, restores the exercise of the right to strike.

It also notes the statement by the Government that Decree No. 1984 of 8 August 1983, by repealing Decree No. 9 of 1976 which had suspended trade union activities, enables use to be made legally of the collective bargaining procedures provided for by Act No. 14250 of 1953 and represents a first step towards the full restoration of freedom to bargain collectively, which the Committee hopes will take place in the very near future.

The Committee notes with interest that a Bill to supplement and improve Act No. 22839 of 24 June 1983 is at present under study and, as is stated in the report and as the amendments listed suggest, that it should result in an Act that takes account of the comments previously made by the ILO. The Committee hopes that this text will be adopted very shortly and that it will take account of all its observations, in particular those concerning Act No. 22105 and Decree No. 640 issued under it in March 1980. The Committee asks the Government to supply a copy of the definitive text when it is adopted.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Chad (ratification: 1960)

The Committee notes that, after eight consecutive years during which none of the reports due have been transmitted, the Government provided information in April 1983. It trusts that in future the Government will fully meet the obligation under article 22 of the Constitution of the ILO to send an annual report.

The Committee takes note of the information contained in the report of the Government and calls attention to the points it has raised in its earlier comments.

1. With regard to section 36 of the Labour Code, which prohibits trade unions from carrying out any political activities, the Committee has stated that a broad interpretation of this section could lead to the conclusion that trade unions were going beyond their statutory competence if they ventured to make suggestions or criticisms concerning the economic and social policy of the Government, for example its wages policy. Referring to the General Survey that it submitted to the 69th (1983) Session of the International Labour Conference, in particular paragraph 198, the Committee considers that trade unions should not be absolutely prohibited from being engaged in activities which, although their main purpose is to defend members' interests, might have certain political aspects, and that it should be left to the courts to deal with abuses by occupational organisations that attempt to turn the trade unions into political instruments. The Committee asks the Government to ensure that its legislation is amended on this point.

2. With regard to Ordinance No. 30 of 26 November 1975, which suspends all strikes on any part of the national territory until further notice, the Committee points out that, whatever reasons may be invoked, measures of this kind should be strictly limited in time. Their radical nature restricts trade union rights in such a way that, even where a government states that these rights exist in a country, they can no longer be exercised. The Committee emphasises that a general prohibition of strikes seriously restricts the right of workers' organisations to organise their activities (Article 3 of the Convention), and the possibilities open to trade unions of furthering and defending the interests of their members (Article 10). In these circumstances, the Committee asks the Government to take the necessary measures to repeal Ordinance No. 30 or to amend it appropriately.

3. The Committee has pointed out that Ordinance No. 001 of 8 January 1976 prohibits persons in the service of the Government and those with similar status from exercising the right to organise, although, according to the report, the Regulations concerning the public service of Chad recognise freedom of association to public servants, but they do not make use of it. The Government refers, however, to the establishment of a new central trade union organisation, the Trade Union Confederation of Chad (CST), whose leaders are young managerial and technical staff from both the private sector and the public sector. The Committee wishes to point out that Article 2 of the Convention provides that workers, without distinction whatsoever, including public servants, shall have the right to establish and to join organisations of their own choosing.

Since Ordinance No. 001 establishes discrimination between workers in the private sector and public employees, and prohibits the latter from exercising the right to organise in violation of Article 2, the Committee asks the Government to take the measures that it considers appropriate to repeal the provisions prohibiting the right of this category of workers to organise.

4. In its previous observations, the Committee has noted that trade unions may affiliate with organisations, but only those having

African allegiance. In this respect, the Committee takes note of the Government's statement that the new Trade Union Confederation of Chad (CST) maintains friendly relations with international trade union organisations. The Committee draws the Government's attention to the fact that such relations do not imply that the CST and other trade unions have the right to affiliate with these organisations in accordance with Article 5 of the Convention. The Committee asks the Government to provide more details on this point.

5. The Committee hopes that the Government in the near future, particularly as a result of the direct contacts which it has requested, and in the light of the foregoing comments, will be able to take the necessary measures to bring the legislation into harmony with the principles of the Convention.

Dominican Republic (ratification: 1956)

The Committee has taken note of the report of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO to consider, inter alia, the observance by the Dominican Republic of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in respect of the employment of Haitian workers in the sugar plantations of the country. It has also taken note of the comments transmitted by the Government of the Dominican Republic on the conclusions and recommendations of the Commission of Inquiry to the Governing Body of the ILO at its 224th Session (November 1983). In particular, the Committee notes that the Government has indicated its willingness to review Resolution No. 13/74 (concerning the presence of an inspector from the Department of Labour at certain trade union meetings) and that, moreover, it announces the repeal of this resolution without providing the repealing text. The Committee hopes that this resolution, which has been the subject of its comments, has in fact been repealed and asks the Government to supply the repealing text.

In addition, with reference to its earlier observations, the Committee takes note with interest of the amendment of Resolution No. 15/64 by Resolution No. 25/83, which reduces to an acceptable level the minimum number of organisations required to form a federation or confederation.

Furthermore, the Committee recalls that the following other points conflicting with the Convention, which relate to provisions of the Labour Code, have been raised in the past:

- the exclusion from the scope of the Labour Code, by its section 265, of the agricultural workers of agricultural, agro-industrial, stock-raising and forestry undertakings continuously and permanently employing not more than ten workers;
- the exclusion from the scope of the Labour Code, by its section 3, of civil servants and other workers employed by the public authorities. With regard to these workers, other statutory provisions (Act No. 2059 of 19 July 1949, Act No. 56 of 24 November 1965, section 13 of Act No. 520) contain serious restrictions on the trade union rights that they should enjoy under the Convention;

- serious restrictions on the exercise of the right to strike by virtue of sections 373, 374 and 377;
- prohibition of the right to strike in the permanent public services set out in section 371 (for example, transport in general and services for the sale of transport fuel), which, in the opinion of the Committee, do not come within the definition of essential services in the strict sense of the term (contained in the General Survey submitted to the 69th (1983) Session of the International Labour Conference, paragraph 214), that is to say those whose interruption would endanger the life, personal safety or health of the whole or part of the population.

Since the Government has on several occasions announced its intention to revise the Labour Code, the Committee trusts that the situation will be re-examined very shortly in the light of its comments and that the necessary measures will be taken to give effect to the Convention.

Egypt (ratification: 1957)

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

Referring to its earlier comments, the Committee notes with satisfaction the repeal of Legislative Decree No. 2 of 1977 according to which, in particular, workers who participated in a strike likely to endanger the national economy were liable to a life sentence of forced labour.

Nevertheless, the Committee recalls that important discrepancies remain between the legislation and the provisions of the Convention.

1. The Committee notes that the Government's statement in its report, that conciliation and arbitration procedures relating to collective labour disputes created by section 95 of the 1981 Labour Code are mandatory. Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference and, in particular, to paragraphs 204 and 205 thereof, the Committee emphasises that this dispute settlement mechanism is likely, in practice, to result in a very sweeping prohibition on the right to strike which is not compatible with the principles set forth in the Convention, especially Articles 3 and 10 which grant trade unions, respectively, the right to organise activities and the possibility of promoting and defending the interests of their members.

Consequently, the Committee requests the Government to take the appropriate steps to make these provisions more flexible and to keep it informed of developments in this regard.

The Committee again asks the Government to supply a copy of the text of Order No. 20 of 1982 concerning local committees and the Central Disputes Board (in relation to section 95 of the Code).

2. As the Committee has already pointed out in the past, the Trade Union Act No. 35 of 1976 as amended by Act No. 1 of 1981 imposes a single-trade-union structure at all levels. Sections 7, 13, 14, 16, 17, 31, 41, 52 and 65, in particular, are not compatible with the rights guaranteed by the Convention in Articles 2, 3, 5 and 6 according to which, in particular, workers shall have the right to

establish organisations of their own choosing which shall be entitled to draw up their constitutions and organise their activities.

While noting the explanations given by the Government according to which the provisions of the law setting up this system result from the will of the workers themselves and that Egypt, as a member of the Organisation of African Trade Union Unity (OATUU), must conform to the statutes of that Organisation which contain the principle of single national-trade-union structure, the Committee must recall that to comply with the essential principles of the Convention, workers who wish to be able to set up organisations independent of the established trade union structure must be given the possibility to do so. In this respect the Committee also refers to its General Survey of 1983 and especially to paragraph 147 thereof, in which it considered that the imposition of a single-trade-union structure by law, even at the request of the existing trade union organisation, is in contradiction with the terms of the Convention.

3. The Committee also recalls that it has, with respect to other provisions of the Trade Union Act No. 35, raised the following points:

- section 19(e) does not allow certain senior categories of workers to join a trade union committee, contrary to the terms of Article 2 of the Convention;
- sections 23, 36(c), 41 and 62 set down certain rules relating to the internal administration and activities of trade unions which are contrary to Article 3 of the Convention.

Consequently, the Committee trusts that the situation will be reconsidered in the light of its comments and that appropriate measures will be taken in order to bring these provisions into conformity with the Convention.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Ethiopia (ratification: 1963)

The Committee has examined the detailed report of the Government which contains general observations on the Convention, in particular that the Convention establishes broad principles rather than technical questions. The Committee is aware that the Convention is not a set of regulations, but it recalls that the fundamental principles which it sets forth concerning freedom of association must be observed and that the points raised in its comments represent infringements of these principles. These points are as follows:

1. The Committee has noted that, 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 Ethiopia Trade Union (AETU and AEPA), one of whose functions is to represent the workers and trade unions of Ethiopia (section 6), which, in turn, have to report to the higher-level unions (section 11). It has also noted that the procedure laid down by section 6(7) of the Proclamation confers on the single national trade unions (AETU and AEPA) the exclusive right to draft the statutes of all trade unions and associations.

The Committee has observed that this single-trade-union system was the same in the agricultural sector, since, under section 9 of Proclamation No. 223, the first-level associations (Kebele associations) must unite at the national level to form the All Ethiopia Peasant Association (AEPA), the only national association (section 29), whose functions, laid down in section 30, are similar to those of the AETU mentioned above. As to the lower-level associations, they are also required to report to their higher-level associations (section 10(3)).

The Committee observes in the first place that the Government in its report describes the AEPA as being not a trade union but a mass organisation of a socio-political nature. In this respect, the Committee considers that peasants, even when they have become collective owners of the land, remain rural workers and that their organisations are therefore workers' organisations within the meaning of the Convention (Articles 2 and 10).

The Committee refers to the General Survey submitted to the 69th (1983) Session of the International Labour Conference, in which it expresses the view (paragraphs 134 and 138) that where first-level organisations must conform to the constitutions of the single existing central organisation the result is a single-trade-union system, which is contrary to the Convention since it does not allow the workers to enjoy the right to establish organisations of their own choosing or the unions the right to formulate their programmes, as provided by Articles 2 and 3 of the Convention.

It further points out that, although trade union diversity is not an obligation set forth in the terms of the Convention, Article 2 does provide that workers must be allowed the right to establish organisations of their own choosing.

The Committee hopes that the Government will take the necessary measures in the near future to give effect to the principles that are the subject of its comments.

2. In its previous comments, the Committee has already emphasised that it is impossible for unions other than the All Ethiopia Trade Union (AETU) to affiliate with international organisations. It feels bound to recall that under Article 5 of the Convention freedom to affiliate is recognised to every trade union organisation, whether it is national or not, first-level or industry-wide.

3. With regard to the application of Proclamation No. 222 to public servants and domestic staff, the Committee notes that the question is at present under study by the Government in connection with the adoption of the new Labour Code. The Committee asks the Government to provide information on any developments in the matter.

4. The Committee recalls that the procedures laid down in sections 106 and 99(3) of the Labour Proclamation No. 64/75, which are referred to by the Government in its report, concerning the exercise of the right to strike impose important restrictions which, as it has already mentioned in the past, limit the possibility open to workers' organisations of furthering and defending the interests of their members (Article 10 of the Convention) and the right of trade unions to formulate their programmes (Article 3 of the Convention), even in the absence of a full prohibition of the right to strike. The

Committee, having already expressed regret that account was not taken of its comments when the new legislation was adopted, asks the Government to provide the information it has suggested sending and to reconsider the question of the exercise of this right in order to give full effect to the above-mentioned provisions of the Convention.

5. With regard to the employers' organisations, which, as the Committee has already pointed out, do not constitute employers' organisations within the meaning of the Convention, that is, organisations whose main purpose is to further and defend the interests of employers, the Committee notes that the Legal Committee of the Council of Ministers, which has been entrusted with examining amendments to the Chamber of Commerce Proclamation of 1978, has completed its work and submitted this to the Council of Ministers for approval. The Committee asks the Government to supply a copy of the texts when they are finally adopted.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Gabon (ratification: 1960)

The Committee takes note of the information supplied by the Government in its report and observes that this information repeats that contained in the previous report. The Committee has examined, however, the details contained in the appendix on the system of trade union unity, which represents for the country an objective that is in line with the philosophy of African unity and a factor of solidarity between workers on the one hand, and employers on the other hand.

While noting that, according to the Government, the constitutions of the workers' and employers' confederations ensure freedom to establish first-level organisations, the Committee refers to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular to paragraphs 134 and 138 thereof, and points out that when the law explicitly lays down the obligation for first-level organisations to join the single national confederation, which it designates by name (section 174 of Labour Code), this results in a grouping that is not consistent with the principle of the free choice of affiliation by workers' and employers' organisations laid down by Article 5 of the Convention. Consequently, the Committee observes that under section 174 of the Labour Code the legal establishment of a trade union is subject to its affiliation with the central organisation, whether of employers or of workers, and that, according to the very wording of article 22 of the constitution of the Trade Union Confederation of Gabon (COSYGA) and section 173 of the Labour Code, only one trade union can be established for a given occupation or a given region, which is contrary to the principle of free establishment of organisations set forth in Article 2 of the Convention.

The Committee notes that, according to the Government, the right to strike is recognised implicitly as a corollary to the freedom of association ensured by section 173 of the Labour Code. The Committee feels bound to recall once more that, in its opinion, the procedure of conciliation and arbitration provided for by sections 239 et seq. of

the Labour Code seems to prevent any resort being had to strike action. It draws the Government's attention to the fact that such an indirect prohibition of strikes by the establishment of a compulsory arbitration system seriously restricts the right of workers' organisations to organise their activities (Article 3 of the Convention) and the possibilities open to trade unions of furthering and defending the interests of their members (Article 10).

Furthermore, the Committee has already referred to Act No. 13/80 of 2 June 1980 establishing a union solidarity tax and has pointed out that under section 2 employers must deduct this tax each month from the gross wages of the workers, that the proceeds are paid to the Trade Union Confederation of Gabon and that under section 3 the rate is to be laid down by decree. The Committee notes that under section 5 this Act shall be enforced as a state Act and considers that, where the legislation fixes the contribution of members or establishes the amount, this constitutes interference in the internal affairs of the unions, and is consequently incompatible with the principles set forth in Articles 3 and 10 of the Convention.

The Committee urges the Government to ensure that the legislation is brought into conformity with the Convention in the light of the above comments.

Furthermore, the Committee asks the Government to state how the first-level unions prepare their own constitutions for depositing with the central organisation in accordance with section 174 of the Labour Code.

[The Government is asked to supply full particulars to the Conference at its 70th Session].

Guatemala (ratification: 1952)

The Committee has examined Presidential Decree No. 71-83 according to which a state of alert has been declared throughout the country. It notes, in particular, that under section 4 of this Decree, trade union activities have been suspended.

The Committee can only emphasise that the general suspension of trade union activities removes any possibility which workers' organisations might have to promote and defend the interests of their members. It considers that the measures taken seriously impinge upon the guarantees provided by the Convention and in particular those provided in Article 3 according to which organisations of employers and workers shall have the right to organise their administration and activities and to formulate their programmes.

The Committee trusts that, despite the proclamation of the state of alert, appropriate measures will be taken to permit the free exercise of trade union activities.

Furthermore, the Committee notes the information communicated by the Government in a report to the Conference Committee in 1983. It notes in particular with interest that the adoption on 27 May 1983 of Decree No. 55-83, amending certain provisions of the Labour Code, abolished the possibility of refusing the creation of more than one trade union per undertaking (section 211(c), second paragraph) as well as the prohibition on the re-election of trade union leaders to their

posts (section 222(a)). The amendments bring these two points, which have been commented on by the Committee, into line with the Convention.

In earlier comments, the Committee pointed out that no regulations had been issued on the application of section 63 of the Public Service Law which recognises public servants' rights to associate freely for professional purposes. However, the Committee has examined Legislative Decree No. 24-82 of 27 April 1982, as amended, and particularly section 57, according to which state employees cannot form either trade unions or associations, but merely co-operatives which may not participate in political activities or exercise the right to strike which is forbidden for such bodies. The Committee considers that this being so, the question of the application of section 63 is no longer relevant since, under section 119 of the Legislative Decree, any contrary law is repealed.

The Committee considers that it must recall that only the armed forces and the police may be excluded from the guarantees of the Convention. Consequently, it asks the Government to adopt appropriate legislation in order to guarantee the application of the essential principles of the Convention to public servants.

In addition, the Committee points out that serious divergencies continue to exist on the following points:

- Section 226(a) of the Labour Code which prohibits trade unions from intervening in questions of electoral or party politics threatening them with dissolution should they disobey; in this respect, the Committee recalls that it considers that such a prohibition could be justified only in matters having no relation with the promotion and defence of the interests of trade union members. Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference and, in particular, to paragraphs 195 and 196 thereof, the Committee would emphasise, on the one hand, that the participation of unions in bodies which have to decide on matters of economic and social policy should be such as to enable the unions to devote attention to problems of general interest and therefore of a political nature in the broadest sense of the term and, on the other hand, that, as pointed out by the International Labour Conference in its 1952 resolution on the independence of the trade union movement, when trade unions in accordance with the law and practice of their respective countries and at the decision of their members, decide to establish relations with a political party or to undertake constitutional political action as a means towards the advancement of their economic and social objectives, such political relations or actions should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions irrespective of political changes in the country.
- Section 4 of Decree No. 1786 of 1968, which prohibits recourse to strike and arbitration by workers in decentralised, autonomous or semi-autonomous state bodies. Referring to its General Survey, in particular to paragraphs 211 and 214 thereof, the Committee stresses that such a prohibition on the public service should be confined to public servants acting in their capacity as agents of the public authorities and that, furthermore, appropriate

guarantees should be afforded to protect workers who are thus denied one of the essential means of defending their occupational interests such as, for example, conciliation and arbitration procedures.

The Committee trusts that the Government will shortly take the necessary measures to remove the current restrictions and that the above-mentioned legislative provisions will be amended in the light of its comments.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Haiti (ratification: 1979)

The Committee notes the report of the Commission of Inquiry set up under article 26 of the ILO Constitution to examine, inter alia, the observance by Haiti of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) with respect to the employment of Haitian workers on sugar cane plantations in the Dominican Republic. It also notes the comments submitted by the Haitian Government on the conclusions and recommendations of the Commission of Inquiry to the ILO Governing Body at its 224th Session (November 1983). In particular, the Committee notes that the Government is considering the inclusion in the text of the individual work contract given to Haitian agricultural workers, of a special clause guaranteeing the right of the worker to freedom of association and collective bargaining.

The Committee expresses the hope that, in its next report, the Government will refer to progress made in this matter and that it will also give its full attention to the limitations on the exercise of freedom of association as mentioned in the Committee's previous direct request with a view to adopting appropriate measures. The Committee trusts that the Government's next report will contain detailed information on all of these matters.

Japan (ratification: 1965)

The Committee notes the information supplied by the Government in its report and to the Conference Committee in 1983, as well as the comments made by the General Council of Trade Unions of Japan (SOHYO).

1. In its observations SOHYO supplies detailed information and statistics concerning sanctions that have been applied during the one-year period to October 1982 to public servants who have participated in strike action. These sanctions range from reprimands, admonitions and warnings of dismissal and suspension. SOHYO explains that, in certain cases, even admonitions, reprimands and warnings have resulted in cuts in the wages of those workers concerned. The Government, for its part, states that national and local public employees as well as employees of public corporations in Japan are prohibited by the relevant laws from staging a strike. It is inevitable, therefore, continues the Government, that disciplinary sanctions are properly applied according to the statutory provisions,

to those who have participated in a strike in violation of such a prohibition. The Government adds that, in considering the appropriateness of applying sanctions, account is taken of the duration, magnitude and mode of the strike and of the circumstances in which individual employees participated in them. The Government also explains that an employee who is admonished may well suffer by receiving a smaller increment than an employee who is not. Such arrangements are provided for in collective agreements, but they are without prejudice to an employee to make up such losses later through improved performance. As regards sentences of imprisonment for strike action the Government recalls that the law provides that any person who has conspired, instigated or incited public employees in the non-operational sector to strike shall be subject to criminal sanctions, including penalties of imprisonment.

While noting the Government's statement that disciplinary sanctions are inevitable in a legal situation where strikes are prohibited, the Committee would, in the first place refer to the General Survey submitted to the 69th (1983) Session of the International Labour Conference (in particular paragraph 214), in which it pointed out that the principle whereby the right to strike may be limited or prohibited in the public service or in essential services, whether public, semi-public or private would become meaningless if the legislation defined the public service or essential services too broadly. In the view of the Committee such a prohibition should be confined to public servants acting in their capacity as agents of the public authority or to services whose interruption would endanger the life, personal safety or health of the whole or part of the population. Moreover, if strikes are prohibited or restricted in the public service or in essential services, appropriate guarantees must be afforded to workers who are thus denied one of the essential means of defending their occupational interests. Restrictions should be offset by adequate, impartial and speedy conciliation and arbitration procedures in which the parties concerned can take part at every stage and in which the awards should in all cases be binding on both parties. Such awards, once rendered, should be rapidly and fully implemented (see the observation under Convention No. 98).

Again referring to its General Survey (paragraph 223), the Committee has stated that, as regards strikes, penal sanctions should only be imposed where there are violations of strike prohibitions that are in conformity with the principles of freedom of association. In addition, in these cases, the sanctions should be proportionate to the offences committed, and penalties of imprisonment should not be imposed in the case of peaceful strikes. The Committee considers that the application of disproportionate sanctions does not favour the development of harmonious industrial relations. Generally, as regards the question of the right to strike and the application of disciplinary sanctions the Committee would request the Government to re-examine the situation in the light of the above principles and to continue to supply information on any action that may be taken concerning the application of these principles.

2. The Committee has also taken note of the observations made by SOHYO concerning difficulties encountered over the last ten years

by the Japan Teachers' Union (NIKKYOSO) in holding their annual national convention. These difficulties, state the SOHYO, arise from the refusal of local municipalities or prefectures to grant facilities to the union for this purpose, and from the inadequacy of Government measures to protect the conventions against physical attacks by right-wing groups.

The Government responds to these observations by stating that, although its basic principle is to respect local autonomy, it did take adequate steps to protect freedom of speech and assembly and strict measures against the use of violence. The Government explains that, in the case of NIKKYOSO, the reason for the rejection of their application for the use of facilities was that these had already been booked by other organisations, and that, as regards the violence to which NIKKYOSO was exposed, the offenders were prosecuted and punished.

Having examined all the information placed before it on this question, the Committee can only recall that freedom of trade union assembly is an essential condition for the effective exercise of trade union rights and that governments should take appropriate steps to ensure that this right can be exercised freely and without interference. The Committee notes, in particular, that this right is one of the rights guaranteed in article 21 of the Constitution of Japan and that the Government effectively intervened to protect the exercise of that right.

3. As regards the right to organise for fire-fighters the Committee notes the Government's statement that this is a matter to be settled by national laws and regulations and that it maintains its basic position to continue careful consideration of the question as a long-term perspective. The Inter-Ministerial Conference on public employees' problems has met twice since June 1983 and has discussed the question of the right of fire defence personnel to organise. As regards the National Council of Fire-Fighting Personnel, the Government states that it maintains a policy of non-intervention in the Council as long as the Council does not act illegally. If the Government, in September 1983, met with representatives of SOHYO and JICHIRO (municipal workers' union) but not with representatives of the National Council of Fire-Fighting Personnel this was because the council is formed by fire-defence personnel who are prohibited from organising and that the council is an organisation that is guided and assisted by JICHIRO.

According to SOHYO the question of the right to organise for fire-fighters has not been discussed by the Inter-Ministerial Conference and that the refusal of the Government to negotiate the matter jointly with representatives of SOHYO, JICHIRO and the National Council reflects the Government's intention to postpone the question indefinitely.

The Committee expresses the firm hope that deliberations concerning the right to organise for this category of workers will soon take place with the participation of all concerned. It requests the Government to continue to supply information on the results of such deliberations.

4. As regards the question of the acquisition of legal personality by JICHIRO the Committee has taken note of the observations submitted by SOHYO and the Government's comments

thereon. In the opinion of the Committee, no new information has been made available to justify any change in the conclusion it reached previously on this matter, namely, that the legislative provisions regulating the grant or refusal of legal personality to trade union organisations do not appear to infringe the Convention.

5. The Committee, in its previous comments, had concluded that, as regards the question of the scope of employees of managerial, supervisory and confidential staff, all the information and statistics produced by the Government indicated that the legal definition of this category of staff was not being abused. The Committee, having examined the observations made by SOHYO and the Government's comments on this matter, considers that its previous conclusion should be maintained.

Kuwait (ratification: 1961)

The Committee takes note of the information supplied by the Government in a report to the Conference Committee in 1983. It observes, in particular, that the study of the legislation with a view to amending the Labour Law No. 38 of 1964 has reached its final stage. The Committee trusts that the amendments which the Government has been announcing for many years will give full effect to the Convention and that, as the Government has assured it in the past, due account will be taken of the points which it has already raised on several occasions. The Committee must recall that these points are as follows:

- there must be at least 100 workers to establish a trade union (section 71 of the Labour Law) and at least ten 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).

The Committee again expresses the hope that the Government will do everything possible to ensure the very early amendment of these provisions, which affect the principles set forth by the Convention, namely the right of workers and employers to establish organisations of their own choosing without previous authorisation (Article 2), the right of these organisations to elect their representatives, to organise their administration and to formulate their programmes without interference by the public authorities (Article 3) and to establish federations and confederations without impediment (Article 5).

The Committee asks the Government to provide the text of the new legislation as soon as it is adopted.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Liberia (ratification: 1962)

The Committee notes the discussion which took place in the Conference Committee in 1983.

Following its previous comments, the Committee notes that, the draft Decree and revised Labour Code should, according to the Government's statement, in the first place, recognise the trade union rights of workers in state undertakings and, by means of an amendment to the Civil Service Act, extend this right to the civil service, and secondly, repeal section 4601-A of the Industrial Practices Act prohibiting trade unions or workers' industrial organisations from exercising any privilege or function on behalf of agricultural workers, and by so doing thus ensure the application of Article 2 of the Convention.

The Committee recalls that the draft for the new Code has been under consideration for many years and that both it and the Conference Committee have long been making comments on this. It trusts that the announced texts which, according to the Government, have been improved since 1980 towards ensuring better application of the Convention, will be adopted forthwith.

As regards Decree No. 12 of 30 June 1982 which prohibits strike action in all sectors of the economy and refers all cases of labour disputes to the exclusive arbitration of the administrative authorities, the Committee refers to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular to paragraphs 200, 205, 206 and 226. It emphasises that, regardless of the justifications mentioned, such measures should be strictly limited in time as they imply a considerable restriction of the possibilities that the trade unions have to promote and defend the interests of their members (Article 10 of the Convention) and the rights that they have to organise their activities (Article 3).

The Committee recalls furthermore, that the prohibition of strikes should not be admitted except in the case of the civil service, that is to say, officials acting as agents of the public authorities, or essential services in the strict sense of the term,

i.e. those whose interruption would endanger the life, personal safety or health of the whole or part of the population. In these circumstances, the Committee asks the Government to take the measures necessary to have Decree No. 12 repealed or amended accordingly.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Mongolia (ratification: 1969)

Following its previous comments, the Committee notes the Government's report and observes that it does not contain any new information in reply to the points raised.

The Committee had pointed out that the existence of a single-trade-union system in the country resulted from the very terms of its legislation. In the first place, sections 4 and 185 of the Labour Code confer trade union functions (collective bargaining, representation in workers' interests, solution of labour problems, etc.) solely on the trade union committees mentioned, which excludes the possibility of workers setting up any other trade union organisation which could support and defend their interests. Secondly, article 82 of the Constitution names the People's Revolutionary Party of Mongolia as the leader and guide of all state bodies and other organisations of the working masses. In the opinion of the Committee, this provision would seem to imply that no mass organisations - the trade unions, in particular - would have any possibility of operating outside the Party framework.

The Committee notes that, according to the Government, the law does not expressly forbid the constitution of trade unions other than those which already exist, but the fact that the country has a single-trade-union system results from the principle of social ownership of the means of production. The Committee regards this statement in the same light as the one which it already noted in the past concerning employers whom the law does not forbid to set up organisations of their choice but who, in fact, all belong to the same trade union organisation as the workers of the undertaking which they manage.

Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular, to paragraphs 134, 135 and 136 thereof, the Committee considers that the above-mentioned provisions of the Labour Code are liable to hinder the free establishment of worker' organisations as set forth in Article 2 of the Convention and that the link between the Party and the workers' organisations as a whole established by the Constitution, limits the right of trade unions to organise their administration and activities and to formulate their programmes under Article 3 of the Convention.

The Committee requests the Government to reconsider the situation in the light of its comments and to indicate the measures which it intends to take in order to apply fully the principles of the Convention.

Furthermore, the Committee reiterates its request concerning the text of regulations relating to the rights of trade union committees

to which the Government had referred in 1977. The Committee trusts that the Government will append a copy of this text to its next report.

Netherlands (ratification: 1950)

The Committee notes the report submitted by the Government, the discussions which took place in the Conference Committee in 1983 and the observations submitted by the Confederation of the Netherlands Trade Union Movement (FNV) and the Federation of Christian Trade Unions (CNV). It also notes that, in accordance with the decision taken by the Conference Committee following discussion of the Netherlands' application of the Convention, a representative of the Director-General carried out a direct contacts mission to the Netherlands from 8 to 15 January 1984.

[The report of the representative of the Director-General is reproduced as an annex to this report.]

1. From all the information at its disposal, the Committee notes that the Government has not taken measures under the Wage Determination Act of 1970 in 1983 or 1984 to limit wage increases in the private sector as it had done in previous years. In addition, it notes with interest that the Government is proposing amendments to the Wage Determination Act so as to allow intervention in free collective bargaining only in exceptional circumstances. The Committee, considers that, if Parliament incorporates the Government's proposed policy in appropriate amendments to the Wage Determination Act, the legislative basis for any government intervention in free collective bargaining will have been brought into substantially closer conformity with the terms of Convention No. 87. The Committee requests the Government to inform it of the steps taken towards the amendment of the Act and to communicate a copy of the revised Act, once adopted.

2. The Committee notes, however, that the Government has made no concrete proposal to amend the Temporary Act on Conditions of Employment in the Public Sector, which applies to the non-profit sector (known as the trend-followers) and which is the object of specific comments from both workers' and employers' organisations in the Netherlands. The comments relate to the wide powers given to the Minister of Social Affairs and Employment to designate which sectors shall be covered by the Temporary Act (section 4) and to determine that the wages of such sectors shall follow those set by the Government for the civil service (section 9). The Committee considers from a reading of the Temporary Act and from the examples of government action taken by virtue of it (cited in the mission report) that the wide powers given to the Minister of Social Affairs and Employment under the Temporary Act to intervene in collective bargaining and to declare inoperative already concluded collective agreements do not comply with the criteria established by the Committee in this domain, that is to say the Temporary Act was not an exceptional measure imposed for a reasonable period of time and was not accompanied by adequate safeguards to protect the workers' standard of living. Although called a "temporary" Act, the legislation in question was adopted in July 1979 and will only expire in July 1984; although the Government argues that the legislation is

necessary so as to control irresponsible bargaining which results in the Government having to pay for wage increases which it cannot afford, it appears that, before the Temporary Act came into force, the Government already possessed an indirect method for encouraging responsible bargaining; in addition, it is not accompanied by adequate safeguards to protect the workers' standard of living. The Committee notes that the Government is in the process of preparing, distributing to and discussing with the social partners a new structural scheme (known as the "Draft for a structural regulation of conditions of employment in the National Insurance and Subsidised Sectors") to regulate the development of conditions of employment in the subsidised and national-insurance sectors once the Temporary Act expires in July 1984. Despite the preliminary concerns expressed by the Dutch workers' and employers' organisations that this new structure will not substantially change the position of the "trend-followers", nor will it give full collective bargaining rights, the Committee would impress upon all the parties concerned the need for full and genuine discussions on the "Draft" in an effort to arrive at a consensus. The elements of good faith and trust are prerequisites to these discussions, which, the Committee hopes, will result in a situation which not only treats all workers and employers fairly, but which also complies with the Convention.

The Committee would express the hope that the Government will continue to supply full information on further developments affecting this category of workers.

Nicaragua (ratification: 1967)

The Committee has taken note of the discussion which took place in 1983 in the Conference Committee and the information obtained by the representative of the Director-General during the direct contacts mission carried out in Nicaragua from 4 to 13 December 1983 with a view to examining questions relating to the application of this Convention.

The Committee notes with satisfaction that a Decree adopted on 31 May 1983 has amended, along the lines required by the Convention, or repealed various provisions of the Regulations on Trade Union Associations to which the Committee had objected, namely: regulation 5(4) (impossibility of forming national trade unions); regulations 39 and 41 (removal of members of trade union executives by administrative action, without appeal to the judiciary); regulations 10 and 31 (representation of the labour administration at constituent meetings and general meetings of trade unions); regulation 20 (use to be made of a certain percentage of trade union dues); regulation 23(b), (c) and (d) (reasons for exclusion from trade union membership); regulation 24 (requirement that only employed workers may hold trade union office); regulation 35 (prohibition of the election of executive members for more than two successive terms); regulations 43 and 62 (conditions and restrictions imposed on the right to establish federations and confederations); regulation 52 (limitation of the number of delegates that trade unions may appoint to attend the congress of a federation).

The Committee further observes that the Decree of 31 May 1983 has amended No. 36 of the Regulations on Trade Union Associations to include among the obligations of trade union executives the presentation of registers and other documents pertaining to the union to the authorities of the Ministry of Labour should any member so request. The Committee is of the opinion that this new provision involves a risk of interference in the internal activities of trade union organisations, and that it would therefore be desirable for it to be amended so that this obligation need be complied with only at the request of a specified percentage of the members of the union.

The Committee also notes that, according to the information given by the authorities to the representative of the Director-General, the only public officials excluded from the scope of the Labour Code (section 9(2)) are those in senior positions which are deemed to be political appointments; the remaining officials are protected by the Code, and there exists an organisation, the National Union of Employees, to which some 40,000 State employees belong. The Committee considers that it would be appropriate for the Code to recognise expressly trade union rights to all public servants except those exercising important managerial or policy-making responsibilities.

With regard to the other categories of workers excluded from the scope of the Labour Code (sections 2, 3, 9(1) and 175), the Committee notes that the authorities informed the representative of the Director-General that it was possible for self-employed persons to form organisations under the recent Associations and Central Legal Personality Register Act of 15 November 1983, and that this matter would be examined by the competent legal services. As concerns workers in family workshops, the authorities stated that they had no knowledge of any case of such workers wishing to form a trade union. The Committee expresses the hope that the workers mentioned in section 9(1) of the Labour Code and self-employed workers will be able in the near future to enjoy the rights to which they are entitled under the Convention.

The Committee observes that, according to the mission report, under Decree No. 1255 (which extended until 30 May 1984 Decree No. 996 (National Emergency Act)), the provisions relating to strikes and work stoppages remain suspended, and the procedure for settling economic and social disputes on the initiative of the employer or the workers, which culminates in an arbitration award binding on the parties, remains in force. The Committee notes in this connection that the authorities informed the representative of the Director-General that these provisions were justified in view of the state of war existing in the country, and that once this situation came to an end there would again be a system under which it would be possible to exercise the right to strike. The Committee expresses the hope that it will be possible to lift the ban on strikes in the near future, and recalls that such measures are justifiable only in exceptional circumstances and for a short period.

The Committee must also recall the other comments that it has been making on the application of the Convention in respect of the following points:

- the requirement of an excessive number of members to set up a trade union at the undertaking level, an absolute majority of the workers of the undertaking or workplace being required (section 189 of the Labour Code), which conflicts with Article 2 of the Convention by making it impossible to set up more than one union in the same undertaking if the workers so wish;
- the general prohibition of political activities by trade unions (section 204(b) of the Code);
- restrictions on the right to strike (sections 225(3), 228(1) and 314 of the Code).

The Committee notes with interest that according to the mission report, the authorities told the representative of the Director-General that sections 204(b), 225 and 314 of the Labour Code could be amended along the lines indicated by the Committee.

The Committee has taken note of the preliminary drafts of the Trade Union Organisations Act and of the regulations thereunder. The Committee further notes that during his mission the representative of the Director-General discussed these provisions with the authorities and with trade union and employers' leaders. The Committee notes that the observations made by the representative of the Director-General with respect to these drafts appeared acceptable to the authorities, who took due note of them for consideration when these texts were subsequently revised.

The Committee expresses the hope that the Government will take the necessary steps to bring the legislation fully into conformity with the Convention, and asks to be kept informed of all developments in this connection.

Philippines (ratification: 1953)

The Committee takes note of the information supplied by the Government in its report to the Conference Committee in 1983 and also of the report, which refers to this information. The Committee again refers to the points that have been the subject of its earlier comments.

1. The Committee had noted that the adoption of new statutory provisions (Decree No. 227 of 1982 issued under the Labour Code and Regulations No. 815 of 1982) introduced restrictions on the right to strike in addition to those that had already been the subject of its comments (possibility of recourse to compulsory arbitration; a list - both too broad and non-restrictive of cases of labour disputes that could affect the national interest - section 264, as amended in 1982, and section 265 of the Labor Code). While noting the Government's statement that the powers of jurisdiction and decision conferred on the administrative authorities by section 264 to refer a labour dispute causing or likely to cause strikes adversely affecting the national interest to compulsory arbitration are designed to provide a smooth transition towards a more liberal exercise of the right to strike, the Committee must point out that these provisions considerably hinder the trade unions in furthering and defending their members' interests (Article 10 of the Convention).

With regard to section 264, which also contains a very broad and non-restrictive list of cases of labour disputes in which a strike might affect the national interest, the Committee notes the insistence of the Government that this list is indicative and does not imply a ban on strikes in the sectors mentioned, but is aimed at ensuring stability in the key sectors of an economy in crisis. The Committee understands the concern of the Government to preserve social stability in the industries regarded as vital, but again points out that a prohibition of strikes, such as results implicitly from section 264, should be restricted to essential services in the strict sense of the term and not cover all activities in which the Government might consider a dispute likely to be harmful to economic development.

The Committee had also pointed out that under section 264 the decision to declare a strike must be approved by a secret vote of at least two-thirds of all union members in the bargaining unit in question. In the opinion of the Committee this high quota may, by making the procedure more cumbersome, hinder the normal exercise of the right to strike. It, therefore, again asks the Government to take the necessary measures to bring the legislation into conformity with the Convention.

Furthermore, the Committee takes note of Presidential Decrees Nos. 1834 and 1835 of January 1981, published in the Official Gazette of July 1983, concerning respectively the amendment of certain sections of the Revised Penal Code on penalties for crimes of rebellion and sedition and the codification of the anti-subversion laws. The Committee notes, in particular, that under section 146, as amended, of the Revised Penal Code any person participating in the picketing of labour groups or in similar group actions who is deemed to be acting for propaganda purposes against the Government shall be punished with life imprisonment with no possibility of pardon. Since the Committee notes, on the other hand, that section 11, as amended, of Decree No. 227 of 1982 issued under the Labor Code authorises the peaceful picketing of strikes, it asks the Government to provide information on the penalties that may be inflicted on any worker who participates in the picketing of strikes or similar group actions.

In addition, the Committee notes that the law provides for penal sanctions of up to six months' imprisonment for participation in strikes that are considered illegal (section 273 of the Labour Code, as amended in 1982). Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and particularly to paragraphs 222 and 223 thereof, the Committee points out that penal sanctions should only be imposed where there are violations of strike prohibitions which are in conformity with the principles of freedom of association and that in these cases the sanctions should be proportionate to the offences committed, and penalties of imprisonment should not be imposed in the case of peaceful strikes. Since the Government had stated in a previous report that such sanctions were not applied in view of the existence of conciliation and arbitration procedures, and the settlement of disputes by the administrative authorities, the Committee considers that the Government should find no difficulty in taking steps to bring the legislation into conformity with the Convention in the near future.

2. The Committee had pointed out on several occasions that the requirement that at least 30 per cent of the workers in a bargaining unit shall be members of a trade union before this trade union can be registered may constitute an obstacle to the right of workers to establish organisations of their own choosing in accordance with Article 2 of the Convention. It had also pointed out that section 237(a) of the Labor Code, under which, in order to be registered, a federation or a national union must comprise at least ten trade unions of the same region and the same branch, each of them recognised as the bargaining agent in the establishment or industry where it operates, and section 238 of the Labour Code, under which not more than one federation or national union may be registered in a given area or region for each branch of activity, are not in conformity with Articles 5 and 6 of the Convention. The Committee notes that, according to the Government, these provisions do not work to the prejudice of the workers' right to organise and that, in addition, the statistics of the Ministry of Labor and Employment show that the lowering in 1981 of the percentage of members required for the constitution of a trade union had no effect on the average number of yearly registrations. The Committee considers, however, that, where the legislation prescribes a minimum number of persons for the establishment of an organisation, this should be limited to a reasonable number enabling the right to establish organisations to be exercised to the full. It again requests the Government to indicate the measures which it intends to take to improve the legislation on these points.

Furthermore, the Committee notes that the two cases questioning the constitutional validity of the "one-union-one-industry" concept are still pending before the Supreme Court. The Committee hopes that the judgement will be handed down shortly and that the Government will supply a copy without delay.

3. As it has previously done, the Committee points out that section 270 of the Labor Code prohibits the direct or indirect participation of foreigners in any form of trade union activity. It notes the Government's statement that, first, this provision in no way restricts the right of foreigners working in the Philippines to participate in the activities of trade union organisations, provided that these organisations are established for purposes that are not contrary to law, but that it is aimed at non-working foreigners whose participation would endanger the national interest, and second, that foreigners in the appropriate bargaining unit may form or assist in the formation of a trade union organisation or join an existing one. The Committee further notes that the practical information requested on the joining of these organisations by foreign workers has not been supplied and that the Government states that few such foreigners seem to be interested in the organisations.

Since, in the opinion of the Committee, section 270 clearly prohibits all trade union activity by foreigners, but that these workers are in fact able, according to the Government, to organise or to join trade union organisations and participate in trade union activities, the Committee considers that, in these circumstances the Government should have no difficulty in taking suitable measures to bring the legislation into conformity with practice.

The Committee wishes to recall that all workers, without distinction whatsoever, should have the right to establish organisations of their own choosing, in accordance with Article 2 of the Convention, and requests the Government to ensure that this possibility is explicitly offered to foreign workers by the law.

4. The Committee notes that the powers of inquiry conferred on the Minister of Labour in respect of the financial management of trade unions (section 275 of the Code) are, in the opinion of the Government, part of the valid exercise of the police powers inherent in every State, but that, in practice, the examination of union records and accounts is conducted only on the filing of complaints by the workers. The Committee notes that the Government is at present studying the question with a view to bringing the legislation into conformity with the prescribed practice; it hopes that suitable measures will be adopted shortly for the purpose and that they will take full account of the comments of the Committee on this point.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Romania (ratification: 1957)

With reference to its previous observation, the Committee notes the Government's report and observes that the information supplied largely repeats the statement made by the Government representative before the Conference Committee in 1981. It has also taken note of the reports of the Committee on Freedom of Association respecting Case No. 1066, approved by the Governing Body at its 222nd Session (March 1983) and 225th Session (February-March 1984).

The Government refers to Act No. 52/1945, under section 2 of which, as the Committee has already noted, all natural persons working in the same occupation or in similar or related occupations are entitled to associate freely in occupational associations without any need of previous authorisation. The Committee has also noted that, according to the Government, 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 Confederation of Trade Unions, and that each federation for a given branch of activity operates in accordance with its own rules and not those of the General Confederation of Trade Unions.

The Committee has pointed out, however, that section 164 of the Labour Code states that trade unions are occupational organisations set up by 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.

Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular paragraphs 134 and 136, the Committee recalls that "sometimes legislation explicitly establishes a single trade union system. This is the case when first-level organisations must conform to the constitutions of the single existing central organisation". It has

recognised that "all these various systems of trade union unity or monopoly imposed by law are at variance with the principle of free choice of workers' and employers' organisations contained in Article 2 of Convention No. 87".

The Committee considers that the terms of section 164, which refers by name to the central trade union organisation, do not permit in the present case the establishment of a trade union that could draw up its own rules enabling it to operate independently of the General Confederation, branch federations and trade unions in the units. It, therefore, asks the Government to ensure that the right of trade unions to draw up their constitutions and carry on their activities in full freedom, in accordance with Article 3 of the Convention, is recognised legally to the workers.

With regard to the links between the Party and the trade unions, which have been the subject of earlier comments, the Committee notes that the Government has already referred to Article 3, paragraph 2, of the Convention, which, in the view of the Government, concerns not interference of political parties in the internal organisation of trade unions but that of the public authorities, and that the Government has already stated that the trade unions are subject to no interference in their internal affairs and enjoy extensive rights. The Committee recalls that, in its opinion, section 26 of the Constitution establishes a close link between the Party and the trade unions and 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 in respect of the workers. The above-mentioned provisions imply, in the opinion of the Committee, a restriction on the rights of workers to establish organisations of their own choosing and to formulate their programmes, which conflicts with Articles 2 and 3 of the Convention. The Committee also points out that the law of the land must 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).

The Committee trusts that suitable amendments will be made to the legislation and that they will take account of its comments, which were repeated by the Committee on Freedom of Association during the examination of Case No. 1066.

Furthermore, in earlier comments, the Committee had asked the Government for information concerning the application of section 172(3) of the Labour Code, which provides that: "Any dispute between a person on the work staff and a unit concerning the formation, performance or termination of a labour contract constitutes a labour dispute and shall be resolved by the judicial commission, the law courts or other organs specified by law." The Committee would be grateful if the Government would state whether this provision applies to any collective labour disputes that may occur.

In addition, the Committee again requests the Government to provide information on any developments concerning the preparation of the new trade union legislation to which it has referred in earlier reports.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Syrian Arab Republic (ratification: 1960)

The Committee takes note of the information supplied by the Government in a communication to the Conference Committee in 1983.

With reference to its earlier observations, the Committee repeats the following points:

1. The Committee has examined Legislative Decree No. 30 of 17 September 1982, which amends certain provisions of Legislative Decree No. 84 of 1968. In particular, it notes with satisfaction that the requirement of a minimum of 50 workers under section 2 for the establishment of a trade union organisation and under section 9 for the establishment of occupational trade unions in mouhafazats (provinces) has been abolished.

The Committee observes, however, that there are still serious divergencies between Legislative Decree No. 84 as amended and the provisions of the Convention. In this respect, it recalls that section 7 imposes the system of a single-trade-union structure, that section 25 (although the abolition of the minimum of one year's work in Syria required for joining a trade union makes it less restrictive) limits the trade union rights of foreign workers, that sections 32, 35 and 44 restrict the free administration and management of trade unions, that sections 32 and 36 lay down rules for the depositing and allocation of trade union funds, and that section 49(c) empowers the General Federation to dissolve the managing body of any trade union on various grounds.

With regard to craftsmen and small employers, the Committee has already pointed out that Legislative Decree No. 250 of 1969 also establishes by virtue of its section 2 a single system for the establishment of associations, that section 6(a)(4), (b) and (c), to govern the incomes of organisations and that section 12 lays down the manner of financing federations. It notes, in respect of this last provision, that, although the Government states that the federation draws up its financial rules itself and fixes among other things the percentage of the funds of associations that make up its income, the fact that its financial rules must, under section 6(c), be adopted by the ministerial authorities amounts to interference in the internal affairs of trade unions and is open to abuse.

With reference to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular paragraphs 134, 138 and 186 thereof, the Committee points out that all these provisions establishing a single-trade-union system and enabling the public authorities to supervise and direct the management of trade unions seriously restrict the right of workers, without distinction whatsoever, to establish organisations of their own choosing (Article 2 of the Convention) and to establish federations (Article 5), and the right of workers' organisations to organise their administration without interference by the public authorities (Article 3).

The Committee accordingly urges the Government to re-examine the situation in the light of these comments and to take the necessary measures to bring the legislation into conformity with the principles of the Convention.

2. Furthermore, the Committee notes that the information provided by the Government on the nature and role of peasants'

co-operative associations takes over the terms of Act No. 21 of 21 March 1974. It requests the Government to state if agricultural workers, peasants working the land only with the help of members of their families and landowners whose holdings do not exceed a prescribed area, whether or not they are members of a co-operative association, are able to establish and join other trade unions of their own choosing, in accordance with Article 2 of the Convention.

3. The Committee takes note with interest of the draft amendment of the Code of Agricultural Relations, which abolishes section 160 prohibiting strikes in the agricultural sector. The Government is requested to supply information on developments in this regard.

4. On the other hand, the Committee notes with regret that the Government no longer refers to the draft Labour Code, the submission of which to the competent authority it announced in 1981 and which, according to the Government, took into account the comments of the Committee. The Committee again expresses the hope that new legislation will be adopted in the near future taking due account of all its above comments.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Trinidad and Tobago (ratification: 1963)

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

It notes that, following its previous comments, measures have been taken to amend those Acts, certain provisions of which were incompatible with the Convention, and that the amendment of section 65 of the Industrial Relations Act is under consideration.

The Committee feels obliged to recall that the legislative provisions which conflict with Articles 2 and 3 of the Convention are, in particular, the following: section 24 of the 1965 Civil Service Act; section 26 of the 1965 Prison Service Act; section 28 of the 1965 Fire Service Act. Under section 24 of the 1965 Act (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 association but that these associations would not have any right to represent their members.

Referring to the 1966 Education Act, regarding which the Committee notes with interest the repeal, by a 1981 amendment of section 72 on which earlier comments had been made, it further notes that similar measures have been taken concerning other provisions relating to the civil service. The Committee hopes that appropriate measures will be adopted in the near future and requests the Government to keep it informed of any developments in this respect.

As for section 65 of the 1972 Industrial Relations Act, which was amended in 1978, the Committee had noted that it empowers the Minister of Labour to ask the courts to forbid any workers' industrial action which it considers constitutes a threat to the national interest. Referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular paragraphs 213 and 214 thereof, the Committee stresses that the possibility of limiting the right to strike by invoking the principle of national interest should be limited to those services which are essential in the strict sense of the term, that is to say, those the interruption of which could endanger the life, personal safety or health of the whole or part of the population.

Furthermore, the Committee emphasises that section 59(4)(a) of that Act which specifically prohibits all possibility of strike action in the case of minority unions, even if they are recognised, is such as to bring into question the principles set forth in Article 3 of the Convention, according to which workers' organisation should be entitled to organise their activities and formulate their programme in full freedom.

The Committee also trusts that the necessary provisions will be adopted in order to bring the Industrial Relations Act into line with the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Chad, Ethiopia, Gabon, Kuwait, Saint Lucia, Seychelles, Togo, Yemen.

Convention No. 88: Employment Service, 1948

Dominican Republic (ratification: 1953)

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:

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 following 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 that 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, subparagraphs (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).

Egypt (ratification: 1954)

Articles 4 and 5 of the Convention. The Committee takes note of the information provided by the Government in reply to its earlier comments. It notes in particular that an order under section 79 of Act No. 137 of 1981 (enacting the Labour Code), which provides for the setting up of advisory employment committees at the national, regional and sectoral levels, is to be issued shortly and that a copy will be communicated at once to the Office. The Committee hopes that the Government will be able to communicate the text of the order in the very near future and that it will give full effect to these Articles of the Convention.

Guatemala (ratification: 1952)

1. With reference to its earlier comments, the Committee notes with satisfaction, from the information provided by the Government to the Conference in 1983, that a Ministerial Order dated 8 January 1982 has set up the Employment Advisory Committee, a tripartite body including representatives of employers and workers in equal numbers, in accordance with Article 4 of the Convention. The Committee would be grateful if with its next report the Government would provide further information on the way in which the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of

employment service policy is ensured in practice in accordance with Articles 4 and 5.

2. Furthermore, the Committee takes note of the information provided in reply to its previous comments concerning the application of Articles 6(c) and (d), 7, 8 and 10. It must, however, repeat its previous requests for further information so as to be able to assess how effect is given to these provisions of the Convention, which relate to certain functions and specialised operations of the employment service and also to the encouragement of its full use by employers and workers.

Tanzania (ratification: 1962)

1. The Committee has noted the information in the Government's report in reply to its previous observation. It notes that the National Human Resources Deployment Act, 1983, contains some provisions which might concern the Convention (providing, for example, for the registration of employers and of residents capable of work; for rehabilitation courses; and for the establishment of a National Human Resources Deployment Advisory Committee). The Government indicates also that with ILO assistance a draft project document containing measures to improve the employment service has been prepared and is being studied by the Government. The Committee notes with interest the Government's view that the proposed project would go a long way to solving the problems encountered in meeting the requirements of the Convention. The Committee hopes that further progress will be made in this connection and that the Government will provide information in its next report on all developments in the implementation of Articles 6, 7, 8 and 11 of the Convention. The Committee would recall in this connection particularly the provision in Article 10 for the encouragement of full use of the employment service by employers and workers on a voluntary basis.

2. The Committee would be glad if the Government would also describe any consultations taking place with representatives of employers and workers, either in the newly established National Human Resources Deployment Advisory Committee or in the tripartite Labour Advisory Board, concerning the organisation and operation of the employment services and the development of employment service policy (Articles 4 and 5).

3. The Committee has noted with interest that the number of employment offices has now risen from 27 in 1977 to 30. It hopes the Government will continue to provide practical information on this question and others referred to in Part IV of the report form approved by the Governing Body.

Zaire (ratification: 1969)

The Committee has taken due note of the information supplied by the Government to the Conference Committee in 1983 and in its report on the Convention.

1. Article 3 of the Convention. The Government states that material difficulties and the lack of trained personnel have prevented the extension of the system of employment offices throughout the country. According to the report, all the regional employment services are in operation with regard to the inspection of the workforce, the stamping of contracts, various studies and the establishment of documentation on the employment market; only placement and the matching of offers and demands for employment are not being achieved. The Government states, however, that the project figures in the Priority Action Programme that the Department of Employment and National Insurance hopes to establish as soon as it is financially possible. The Committee hopes that by giving the extension of the employment services a higher priority, the Government will liberate the funds necessary to allow the establishment in the near future of an international technical assistance programme in this field, and that the Government will be in a position to ensure the full application of this Article of the Convention.

2. Articles 4 and 5. The Committee has taken note of the text of Order No. 081/82 of 15 December 1982, concerning the composition of the National Employment Council, a tripartite organisation. It also notes that the members of this council met in an extraordinary session on 23 September 1983, and that questions relative to the operation and development of the policy of the employment service may be included on its agenda in future. The Government states, however, that the regional consultative commissions for employment are still encountering operational difficulties due to the lack of material means and personnel. The Committee trusts that the appropriate measures will be taken to ensure the co-operation of employers' and workers' representatives - in equal numbers - in the organisation and operation of the employment service, as well as in the development of the policy of this service, through these consultative committees.

3. Practical application. The Committee has noted the information supplied by the Government concerning the foreign workforce. The Government also indicates that reliable statistics on the employment service cannot be supplied. The Commission hopes that the Government will supply all practical information available on the work of the employment services mentioned in the report.

* * *

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

Convention No. 89: Night Work (Women) (Revised), 1948

Requests regarding certain points are being addressed directly to the following States: Angola, Bahrain, Bolivia, Burundi, Swaziland.

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

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Greece (ratification: 1962)

In reply to the observations that the Committee has been making for some years, the Government states in its report that it has decided to draft a special bill to deal with the problems of young persons and bring the national legislation into harmony with the provisions of the Convention. The Committee takes note of this statement and trusts that the bill will be drafted and adopted in the very near future and that it will give full effect to the Convention, on the following points in particular:

Article 1, paragraph 1, of the Convention. The national laws do not cover work in road or rail transport undertakings, including the handling of goods in docks, on quays, on wharfs, in warehouses and in airports, and thus conflict with the Convention.

Article 2, paragraphs 1 and 2. Under the Convention, the term "night" signifies a period of at least 12 consecutive hours, including for young persons under 16 years of age the interval between 10 o'clock in the evening and 6 o'clock in the morning, whereas, under the national laws, the night period is of only 11 consecutive hours, including the interval between 9 o'clock in the evening and 5 o'clock in the morning.

Article 4, paragraph 2. The national laws authorise the reduction of the period during which night work is prohibited in undertakings, or for classes of work in which there is a regular increase in the demand for labour at certain periods of the year, and also in the event of exceptional pressure of work, whereas the Convention provides for such exceptions only in the event of emergencies that could not have been controlled or foreseen and are not of a periodical character.

Article 6, paragraph 1(d) and (e). Under these provisions, the national laws must provide for the maintenance of a system of inspection adequate to ensure the effective enforcement of the Convention and require the employer to keep a register, or to keep available official records showing the names and dates of birth of all persons under 18 years of age employed by him.

With regard to the system of inspection, the Committee takes note of the measures adopted to increase the numerical strength of the inspection services and hopes that further progress will be made in this sphere. As to the obligation of the employer to keep registers, the Committee requests the Government to provide a copy of Legislative Decree No. 515 of 1970, which is referred to in its report, since section 13 of the Decree of 27 June 1932, which is also referred to, concerns only shift work.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.]

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Saudi Arabia, Swaziland.

Convention No. 92: Accommodation of Crews (Revised), 1949

Sweden (ratification: 1950)

The Committee refers to its observation of 1982 on the comments communicated with the Government's report and made by the Swedish Marine Officers' Association and the Swedish Engineer Officers' Association on the matter of establishing common mess facilities for officers and ratings (Article 11, paragraph 3, and Article 19 of the Convention). The associations concerned opposed the abolition of the officers' mess, which they considered contrary to the Convention and to the terms of current collective agreements. The Government referred in this respect to variations permitted under Article 1, paragraph 5, of the Convention and stated that its comments on the observations of the officers' associations would be submitted as soon as possible.

The Committee takes note of the additional information on the matter submitted through the Swedish ILO Committee which includes comments made by the National Administration of Shipping and Navigation, the Swedish Shipowners' Association, the Swedish Seamen's Union, the Swedish Marine Officers' Association, and the Swedish Engineer Officers' Association.

The National Administration of Shipping and Navigation describes the background to the decision. With one association of employees (the Swedish Seamen's Union) in favour and the other two associations opposed, the Administration has taken the view that the advantages of common mess facilities must be assessed in the general context and the views of all parties concerned balanced against one another. The considerations referred to include the advantage of making the work of the catering and waiting staff easier, the occupational environment and social development in the community at large and the fact that arrangements for common messes have been made on several other ships without objections being raised.

In the matter of the collective agreement, the Administration states that, as far as it has been able to ascertain, the intention of the passage alluded to in the agreement was not to prevent the layout now employed but that officers while in port should not need to put their mess at the disposal of persons not belonging to the ship. The Administration adds that within the legal context involved there was no need for it to scrutinise the agreement; its scrutiny was solely concerned with the practical commendability of the arrangements.

The Swedish Shipowners' Association states its support for the decision. It feels that in many respects Article 11 of the Convention is outmoded. With reference to Article 19 of the Convention, the Association's view is that the mess arrangements on board the ship concerned do not imply any deterioration in benefits or the environment.

The Seamen's Union states that it has favoured and actively encouraged the establishment of common messes for several reasons: the pattern of post-war social development having rendered Convention No. 92 outdated in most respects; reduced crewing resulting in non-existent social life on board; and better use of available space for leisure activities. The Union further states that its standpoint does not imply any compromise concerning the convenience of those who are to use the facility.

In their additional comments, the Swedish Marine Officers' Association and the Swedish Engineer Officers' Association recall their vigorous protests against the introduction of the common mess as a deterioration in officers' conditions in relation to the substance of the Convention. Both associations state that, where a common mess has been introduced, various measures have been taken to divide the mess up into separate sections. The Engineer Officers' Association disputes any acquiescence in prior arrangements for a common mess and states that the intended social integration at mealtimes has never materialised. Both associations contest the Administration's interpretation of the collective agreement and hold the view that the officers' mess is intended solely for officers and their guests, both at sea and in port.

The Committee notes from the above information and comments that there are strongly opposing views on the matter between the Seamen's Union and the two associations of officers and that the latter maintain that the establishment of a common mess is a deterioration of the conditions of accommodation as laid down in Article 11, paragraph 3(a), of the Convention.

In these circumstances, the Committee can only take due note of the Government's statement under Article 1, paragraph 5, of the Convention that the latter is satisfied, after consultation with the organisations of shipowners and seafarers, that the variations made provide corresponding advantages as a result of which the overall conditions are not less favourable than those which would result from the full application of the provisions of Article 11, paragraph 3(a), of the Convention.

In respect of the collective agreement referred to, and the application of Article 19 of the Convention, the Committee notes that there are also diverging views, and that the officers' associations contest the intention ascribed to the agreement by the Administration while the shipowners' association considers that there is no deterioration in the conditions of shipboard employees. The Committee recalls, that under the terms of Article 19, any conditions more favourable than those provided for by the Convention shall not be affected. It expresses the hope that the parties concerned will succeed in finding a mutually satisfactory solution to the issues in dispute and that these issues will call for no further examination on its part.

* * *

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

Convention No. 94: Labour Clauses (Public Contracts), 1949Burundi (ratification: 1963)

The Committee notes from the report that the draft decree intended to give effect to the Convention, drawn up in consultation with the International Labour Office, has not yet been adopted. It trusts that the Government will be able to indicate in its next report that the necessary measures have been taken to apply the Convention and that it will supply all the relevant texts.

[The Government is asked to report in detail for the period ending 30 June 1985.]

United Republic of Cameroon (ratification: 1962)

The Committee notes the statement in the Government's report that public employees whose conditions of work are regulated by the Labour Code are covered under Article 1, paragraph 1(c)(ii) and (iii), of the Convention. The Committee recalls, however, that the question which it has raised concerning the application of these provisions relates to the inclusion of labour clauses, as defined by Article 2 of the Convention, in public contracts for the purchase of materials, supplies or equipment, and the performance or supply of services. It does not apply to the conditions of work of public employees.

As the Government has been promising since 1971 to make the necessary changes in the legislation, for instance by amending the Decrees of 14 August and 19 September 1959 concerning public contracts, the Committee hopes that the Government will be able to indicate progress in its next report.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Egypt (ratification: 1960)

In its communication to the Conference Committee in 1983 and in its latest report, the Government has repeated that the Convention is applied because all the workers who might be engaged under public contracts are covered by the generally applicable labour legislation. It has, however, requested the Central Body for Management and Administration to circulate to all state services instructions that a clause be included in all public contracts guaranteeing to workers engaged under these contracts conditions of work not less favourable than those of others performing the same work.

The Committee welcomes the Government's action to meet its comments on the need to take measures to apply the Convention. It notes, however, that the Government's position that the Convention is applied by generally applicable labour legislation is not in accord with the requirements of Article 2 of the Convention. As it has stated on a number of occasions, the legislation to which the Government refers in most cases lays down minimum standards - for instance, as regards wages to be paid - and does not necessarily

reflect the actual conditions of work of workers. Thus, if the legislation lays down a minimum wage, but workers in a particular profession are actually receiving a higher wage than the minimum, the Convention would require that any workers engaged under a public contract be entitled to receive the wage which has been generally established rather than the minimum laid down in the legislation.

The Committee would be grateful, therefore, if the Government would indicate in its next report whether the inclusion in public contracts of the clause to which the Government has referred in its report will have the effect described above. Please indicate, in this connection, whether there are occupations in which the workers concerned generally earn a higher wage than that laid down as a minimum in the labour legislation, and what wage is now required to be paid to these workers when the work they are doing is performed under a public contract.

Finally, the Committee recalls that Article 2, paragraph 3, of the Convention requires that the labour clauses inserted in public contracts be established after consultations with the organisations of employers and workers concerned. The Committee requests the Government to indicate what consultations have taken place concerning the clauses now to be inserted in public contracts.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Guatemala (ratification: 1952)

The Committee notes that a draft Government Order has been submitted to the competent authorities, containing provisions stipulating the obligation to include labour clauses in all contracts concluded by the public authorities, in conformity with the model text provided by the Office and taking into account the Committee's comments.

The Committee requests the Government to supply a copy of this Order with its next report, or a copy of the draft if it has not yet been adopted. The Committee also repeats its request for information on the measures taken or under consideration to give effect to Article 2(3) (consultation with the employers' and workers' organisations concerned on the terms of the contract 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 instruments giving effect to the provisions of the Convention to the notice of all persons concerned).

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

Mauritania (ratification: 1963)

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

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. The Government is requested to 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.

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

Panama (ratification: 1971)

1. The Committee takes note of the last report of the Government, which encloses the model contract and general specifications used in recruitment for public works. The Government states that the model contracts of the Ministry of Public Works do not include exactly the conditions laid down by this Convention but that section VII.I of Chapter VII of the general specifications, which form an integral part of the contract, lays down the obligation to comply with the laws.

The Committee again points out that the references in the model contract and specifications to compliance with the laws are not sufficient, since Article 2 of the Convention requires basically that the labour clauses shall ensure to the workers concerned conditions of labour that are not less favourable than those established for work of the same character.

Since the Committee has been commenting since 1974 on the need to include in contracts entered into by the public authorities labour clauses in conformity with those required by the Convention, it hopes that the Government will take the necessary measures as soon as possible. These clauses must be determined after consultation with the organisations of employers and workers concerned (Article 2, paragraph 3).

2. The Committee notes that the information supplied by the Government deals only with contracts for the construction or maintenance of public works. It refers again to its observation of 1982 and its direct request of 1976 and points out that the Convention applies in the same way to the other classes of public contracts indicated in Article 1, paragraph 1(c), (ii) and (iii). The Committee suggests that the Government should consider the possibility of consulting the International Labour Office in respect of the detailed requirements of the Convention and the methods of giving effect to it.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.]

Philippines (ratification: 1953)

The Committee notes the Government's reply to its previous comments and the specimens of public contracts containing labour clauses. It observes that the labour clauses contained in these contracts, which require contractors to comply with and observe labour laws regarding minimum wages, hours of work and other conditions of labour, are not sufficient to apply the Ministerial Order of 16 February 1983, which provides that all public contracts shall ensure wages and allowances, hours of work and other conditions of labour not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on. The Committee notes further that the Government's report refers only to public contracts for public works, whereas the Ministerial Order and the Convention apply to all public contracts as defined in Article 1(1)(c) of the Convention. It therefore requests the Government to review the clauses in question, to adopt the revisions necessary to bring them into compliance with the Convention and to ensure that such clauses are included in the full range of public contracts covered by the Convention.

The Committee also requests the Government to indicate whether the terms of the clauses to be included in public contracts were drawn up after consultation with the organisations of employers and workers concerned, as required by Article 2, paragraph 3.

The Committee notes the statement that the information on the number of contracts and workers covered by public contracts as required by Point V of the report form, will be communicated as soon as possible.

The Committee hopes that the Government will indicate in its next report that the measures necessary to apply the Convention in practice have been taken.

Rwanda (ratification: 1962)

The Committee notes with interest that draft legislation regulating public contracts has been submitted to the competent authorities for adoption. It hopes that the Government will be able to indicate in its next report that the measures necessary to apply the Convention have been adopted, and that it will communicate a copy of the new legislation.

[The Government is asked to report in detail for the period ending 30 June 1985.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Brazil, Somalia, Swaziland, Uganda.

Convention No. 95: Protection of Wages, 1949

Afganistan (ratification: 1957)

The Committee notes the Government's statement that the draft decrees drawn up following direct contacts in 1974 are still under consideration. It hopes that the points covered in those drafts relating to the application of the present Convention (in particular to Articles 2, 4, 12(2) and 13) will be included in the final text. The Committee recalls that the Government has been referring to its intention to adopt legislation to apply the Convention for more than 20 years. It hopes accordingly that the Government will be able to indicate in its next report that progress has been achieved.

Dominican Republic (ratification: 1973)

The Committee has noted the report of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO which examined the observance (inter alia) of the Protection of Wages Convention, 1949 (No. 95), by the Dominican Republic in relation to the employment of Haitian workers on the sugar plantations of the Dominican Republic (ILO Official Bulletin, Vol. LXVI, 1983, Series B. Special Supplement). It has also noted the comments by the Government of the Dominican Republic on the conclusions and recommendations of the Commission of Inquiry which were communicated to the Governing Body at its 224th Session (November 1983).

1. Legislative action. In earlier comments, the Committee has drawn attention to the need to amend or supplement the existing legislation on a number of points with a view to giving effect to the Convention, as follows:

(a) Article 2 of the Convention. Extension of the provisions of the Labour Code relating to the protection of wages to agricultural undertakings employing ten or less workers (such undertakings being at present excluded from the Code by virtue of section 265).

(b) Article 3. Amendment of sections 200 to 202 of the Labour Code, so as to prohibit the payment of wages in the form of negotiable coupons, vouchers etc.

(c) Adoption of provisions to give effect to the requirements of Article 5 (direct payment of wages to workers), Article 6 (prohibition of employers from limiting in any manner the freedom of workers to dispose of their wages), Article 8, paragraph 2 (provision of information to workers of the conditions and extent of deductions from wages), Article 10 (regulation of the assignment of wages), Article 13, paragraph 2 (prohibition of payment of wages in taverns, stores, etc.), Article 14 (provision of information to workers concerning wage

conditions) and Article 15(b) (definition of the persons responsible for compliance with the Convention).

The Committee recalls that, in a report submitted in January 1981, the Government indicated that draft provisions to meet the above-mentioned requirements had been prepared. The Commission of Inquiry recommended that the necessary provisions should be adopted so as to take effect not later than 1 March 1984 (paragraphs 530 and 543 of its report).

The Committee accordingly hopes that the Government will be able to provide information at an early date on the legislative measures adopted.

2. Measures to guarantee observance of the statutory minimum wages in agriculture. In paragraph 477 of its report, the Commission of Inquiry observed that the Protection of Wages Convention is aimed at ensuring that workers effectively receive the remuneration to which they are entitled, without being subjected to unauthorised deductions or other practices which result in improper limitations of their rights in this respect. In paragraphs 533 to 537, the Commission recommended the following series of measures to ensure that the minimum wage for work in agriculture, established in 1979 at 3.50 pesos for a working day of eight hours, is respected by the managements of the country's sugar plantations:

(a) the establishment, in consultation with the managements and trade unions concerned, of a more uniform and regular system of working hours for cane-cutters, with a reasonable maximum limit on daily working hours and a proportional increase in the minimum wages guaranteed where the working day exceeds eight hours;

(b) measures to guarantee minimum earnings to workers employed on sugar plantations where the workers' remuneration is based on output, in respect of any normal working day or part of a normal working day during which they are prevented from working on account of the employers' operational needs or other factors not attributable to the workers;

(c) measures, to be adopted in consultation with the managements and trade unions concerned, for checking the accuracy of the weighing of cane, including inspections by official agencies outside the plantations, checking of weighing operations by workers' representatives, and simple and expeditious procedures for investigating and settling complaints or disputes.

The Committee hopes that the Government will provide detailed information on the measures taken to implement the above-mentioned recommendations.

3. Payment of wages in negotiable wage tickets. The Commission of Inquiry pointed out that the practice of issuing negotiable wage tickets, current on the plantations belonging to the State and on those of the Casa Vicini, is contrary to Article 3 of the Convention, and recommended that it be discontinued (paragraphs 487, 488 and 538 of its report). The Government indicated in its comments on the Commission's report that it welcomed this recommendation and would ask the undertakings in question to change their practice.

The Committee hopes that information will be provided on the measures adopted on this matter.

4. Measures with a view to ensuring the provision of basic foodstuffs to workers on sugar plantations at fair and reasonable prices. The Commission of Inquiry noted that various measures had recently been initiated, in accordance with Article 7, paragraph 2, of the Convention, for the sale of food to workers at controlled prices, including the conclusion of an agreement in January 1983 for the establishment of shops by the Price Stabilisation Institute on all State-owned plantations and the setting aside of land on these plantations for the production of food crops for sale to workers at cost price (paragraphs 491 to 493 and 539). In its comments on the Commission's report, the Government indicated that it intended to pursue these measures vigorously.

The Committee hopes that, as recommended by the Commission of Inquiry, the Government will provide full information on the progress made in implementing the above-mentioned arrangements, as well as information on any corresponding measures on privately owned plantations.

5. Deferred payment of wages. The Commission of Inquiry recommended the abolition of the system imposed upon cane-cutters employed on the plantations of the State and those of the Casa Vicini, under which part of the remuneration of cane-cutters is subject to retention and payment at the end of the harvest, since this system is contrary to Article 6 of the Convention (paragraphs 499 to 501 and 541). In its comments on the Commission's report, the Government indicated that it was studying the arrangements to be made with a view to complying with this recommendation.

The Committee hopes that the Government will provide particulars of the action taken in this matter, including any arrangements to encourage voluntary savings among the workers concerned.

6. Enforcement. The Commission of Inquiry pointed out the need to strengthen the labour inspection services of the Ministry of Labour to ensure effective observance of labour laws and the workers' rights on sugar plantations (paragraphs 510 and 544). The Government indicated in its comments on the Commission's report that the reinforcement and improvement of these inspection services was part of its programme.

The Committee accordingly hopes that information will be provided on the measures taken to this end, including particulars of inspection activities on the sugar plantations and the results of those inspections as regards ensuring observance of the workers' rights in regard to wages.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984].

Libyan Arab Jamahiriya (ratification: 1962)

Articles 2, 4, 7 and 8, paragraph 1, of the Convention. The Committee notes the Government's reports, which indicate that the Government has transmitted to the competent authorities for action all of the Committee's comments on this Convention which would call for the adoption of new legislation. It refers to its previous comments,

in which it has indicated that there are two kinds of questions outstanding. The first is that it has appeared that workers in agriculture were not covered by legislation governing the payment of wages. However, a Government representative indicated to the Conference Committee in 1982 that Act No. 15 of 1981 covers all wage earners, including those in agriculture. The Committee has therefore asked that the Government communicate a copy of this legislation which, however, has not arrived.

The second question relates to the regulation of payments in kind (Article 4) and deductions (Article 8). The Committee has previously indicated that these subjects did not appear to be sufficiently regulated in the terms required by the Convention. The above-mentioned statement to the Conference Committee in 1982 indicated that these questions also were covered by Act No. 15 of 1981.

As concerns Article 8, paragraph 1, more specifically, the Committee notes that the Government has indicated in a supplementary report that section 34 of the Labour Code fixed the total of deductions at 25 per cent of the workers' wages, and that the 75 per cent which remains is sufficient for the needs of the worker and his family. It refers, however, to its direct requests of 1976 and 1980 in which it indicated that section 34 relates to the proportion of the worker's wages which may be attached or assigned, and not to deductions in the sense of Article 8 of the Convention. The Committee would therefore be glad if the Government would indicate - as regards deductions made by the employer otherwise than by virtue of an attachment and assignment of wages - (a) whether there is any provision ensuring that all deductions other than those specifically authorised by law or by collective agreement shall be prohibited; and (b) whether the cumulation of authorised deductions (such as those permitted under sections 35, 36 and 78, amounting to nearly 50 per cent of the month's wages) is permitted or whether measures are taken to limit deductions to the extent deemed necessary to safeguard the maintenance of the worker and his family. In so far as such provisions do not at present exist, the Committee hopes that consideration will be given to including them in the revised legislation now being prepared.

The Committee therefore hopes that the Government will communicate a copy of the legislation in question, and also indicate any further progress which may have been made in applying these provisions of the Convention.

Sudan (ratification: 1970)

The Committee notes with satisfaction that, with the adoption of the Labour Relations Act, 1981, national legislation is now in conformity with Articles 11 and 13(1), and closer to conformity with Articles 4(1) and 15(d) of the Convention. The Committee is, however, raising several points in a request which is being addressed directly to the Government.

The Committee notes, in this connection, that it would be possible to cover several of the outstanding points in regulations instead of waiting for a further revision of the legislation, and

hopes that the Government will keep in mind the possibility of adopting suitable measures by this method wherever appropriate.

Syrian Arab Republic (ratification: 1957)

1. The Committee notes with interest that Decree No. 571 of 3 June 1972, which the Government has now brought to the attention of the Committee, extends to temporary workers the protections of section 19 of the Labour Code, which prohibits the collection of a job placement fee from an unemployed person, in accordance with the requirements of Article 9 of the Convention.

2. The Committee notes with interest the Government's statement that it has prepared a draft legislative decree to amend the Labour Code in certain respects relating to several ILO Conventions. With regard to the present Convention, the Government has indicated that it proposes to amend section 88(a) of the Labour Code so that sections 45 to 52 would be applicable to persons engaged in temporary work, who are at present excluded from the coverage of Book II, Chapter II, of the Labour Code. While the Committee welcomes this proposal as giving effect to certain provisions of the Convention, it must point out that the amendment would still not ensure full application of the Convention as to these workers. In particular, the Committee notes that the protection afforded by sections 54 and 66 of the Labour Code (regarding limitations on deductions from wages under certain conditions), which give effect to Article 8, paragraph 1, of the Convention, still need to be extended to temporary workers. The Committee further observes that these workers also need to be entitled to the protection of sections 85 and 87 of the Labour Code (relating to protection of wages owed by the employer or its assignee in cases of bankruptcy, etc.), which are in harmony with the requirements of Article 11, paragraph 1, of the Convention. The Committee hopes that the Government will take its comments into account when considering the draft legislative decree. Referring to its previous comments, it hopes that the measures necessary to ensure the full application of the Convention will be taken at an early date.

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 1983.

Article 2 of the Convention. The provisions of national legislation referred to by the Government, including section 78 of the Code of Obligations, have been duly considered previously by the Committee. As it stated in 1983, the Committee is of the view that these provisions do not adequately ensure the protection required by Convention No. 95 to the workers in agriculture and in small commercial and handicraft undertakings who are at present excluded from the Labour Code and therefore are not afforded the protection of the relevant provisions of the Code. In this connection, the Committee notes with interest the Government's statement that it will

be most willing to take action to fill in any gaps that may be found in the legislation.

The Committee recalls that from the information available, it appears that effect is given to Articles 11 and 12 of the Convention by the Bankruptcy Act and section 326 of the Code of Obligations respectively. The Committee hopes accordingly that the Government will be in a position to adopt appropriate measures to ensure, in respect of the workers excluded from the Labour Code, the full application of the provisions of the Convention to which effect has not heretofore been given by national legislation.

Article 13. Sections 73 and 78 of the Code of Obligations provide respectively for payment of a debt at the creditor's domicile and during working hours on the date previously determined. The Committee takes due note of the Government's statement that national legislation thus provides for payment of wages otherwise than on working days and at or near the workplace, as is allowed by paragraph 1 of Article 13. As paragraph 2 of Article 13 further requires that payment at certain places shall be prohibited, the Committee hopes that the Government will be able to take appropriate measures to give effect also to this requirement of the Convention.

[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: Bolivia, Iraq, Nigeria, Philippines, Saint Lucia, Sierra Leone, Somalia, Sudan, Uganda, Upper Volta.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Belgium (ratification: 1958)

With reference to its earlier comments, the Committee notes with interest that, under the new regulations intended to replace temporarily the Act of 28 June 1976, which expired in November 1981, the duration of the licences ("agréments") granted to the temporary work agencies cannot exceed one year, in accordance with Article 5, paragraph 2(b), of the Convention. The Committee hopes that the bill to make definitive arrangements for temporary work will be adopted shortly and that the text will be communicated to the Office in due course.

Finland (ratification: 1951)

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

It observes in particular that the Finnish ILO Committee, following the receipt of a letter dated 20 October 1982 from the

Metalworkers' Union, has considered the question of the application of the Convention to agencies for the hiring out of labour, and has concluded that during past decades new problems have arisen in this field, which are not dealt with by the Convention and which cannot be eliminated solely by having recourse to the given interpretation of the scope of the Convention.

On the other hand, the Committee also notes that the Metalworkers' Union, in the above-mentioned letter, has expressed its conviction that, since the Convention requires the regulation of the activities of hiring out labour, these activities may be allowed only in exceptional cases and subject to a licence and the supervision of the authorities. Furthermore, the Central Organisation of Finnish Trade Unions (SAK), in the dissenting opinion it has expressed on the above-mentioned conclusion of the Finnish ILO Committee, considers that Finnish legislation is not in conformity with the Convention.

In these circumstances, the Committee notes the position adopted by the employers' organisations and the efforts they have made to reduce abuses in this sphere; however, it expresses the hope that positive action will be taken in the near future on the report submitted in 1980 by the ad hoc tripartite working party set up by the Ministry of Labour. The working party proposes, among other things, that the hiring of labour (in particular in the entertainment industry, which has been a subject of earlier comments by the Committee) should be regulated and supervised by being licenced.

Pakistan (ratification: 1952)

The Committee has noted the information supplied by the Government in reply to its earlier comments, and in particular its statement to the effect that the implementation of the 1976 Fee-Charging Employment Agencies (Regulation) Act, governing fee-charging employment agencies in the various regions of the country, was unnecessary no such agencies existed. In this connection the Committee would recall, however, the definition of a fee-charging employment agency given in Article 1, paragraph 1(a), of the Convention (which covers "any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage"); it also recalls that it has previously been acknowledged that there are persons such as tribal chiefs or village chiefs falling within this definition.

The Committee hopes that the Government will take the necessary measures to give full effect to Article 3 of the Convention, which requires the gradual abolition of fee-charging employment agencies.

Sweden (ratification: 1959)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of an amendment dated 5 May 1983 to Act No. 156 of 8 April 1976 (amending the Act of 1935 respecting

placement), under which authorisation to carry on placement activities with a view to profit in respect of musicians and theatre actors is to be granted for a period of one year, instead of three years as before, thus complying with Article 5, paragraph 2 (b), of the Convention.

Furthermore, in reply to an earlier direct request, the Government states that nothing new has occurred concerning the setting up of the special body responsible for the international employment service in the cultural field implied by the above-mentioned Act of 1976. The Committee would be grateful if the Government would provide information on any development occurring in this connection that might result in the entire elimination of employment agencies conducted with a view to profit, in accordance with Article 3.

Syrian Arab Republic (ratification: 1957)

The Committee has examined the detailed information (including Decree No. 4 of 6 January 1981 respecting the organisation of employment agencies) furnished by the Government in reply to its earlier comments and takes note of the communication made by the Government to the 69th Session of the Conference in June 1983. It observes that the Government repeats in substance: (a) that sections 18 and 22 of the Labour Code of 1959 authorising private employment agencies have never been applied in practice; (b) that the bill to repeal these sections is under examination by the competent authorities; and (c) that the above-mentioned Decree of 1981 provides in particular that no private body shall perform the functions of an employment agency.

The Committee takes note once more of the assurances given by the Government. It points out that the question has been the subject of comments for a number of years and trusts that the bill mentioned by the Government will be adopted in the near future and: (a) that the new text will repeal sections 18 and 22 of the Labour Code (Act No. 91 of 1959), which authorise the setting up of private employment agencies and the use of recruiting agents for labour, or that it will regulate these activities, in accordance with Articles 5 or 6 and 8 of the Convention; (b) that it will contain provisions governing the placing 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 bringing fee-charging employment agencies for these workers under regulation in accordance with Articles 5 or 6 and 8.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Bolivia, Djibouti, Egypt, France, Guatemala, Luxembourg, Norway, Pakistan, Panama, Sri Lanka, Swaziland, Uruguay.

Convention No. 97: Migration for Employment (Revised), 1949

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

Convention No. 98: Right to Organise and Collective Bargaining, 1949Brazil (ratification: 1952)

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

The Committee has also noted the communication from the National Confederation of Workers of Credit Enterprises, dated 19 May 1983, which repeats the questions raised in its various previous communications which the Committee had already noted, that is to say, basically, the refusal to allow employees of public enterprises and in particular the employees of a number of banking and credit establishments as well as other independent bodies involved in financial activities, to form unions as well as restrictions which have, for a number of years, been imposed by legislation on free voluntary collective bargaining.

Following its previous comments, the Committee recalls that it had raised points concerning Articles 4 and 6 of the Convention.

1. The Committee notes Law No. 6708 of 30 October 1979 which provides, in section 1, for automatic half-yearly adjustments to the minimum wage, according to the national consumer price index and, under section 12, the conclusion of collective agreements in public enterprises. In this respect, the Committee had noted that mixed economy enterprises and private 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, but that such enterprises could conclude collective agreements only "within the terms of the resolutions of the National Council on Wage Policy".

Moreover, the Committee had noted in general that section 11(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.

The Committee had also noted that under section 623 of the Codified Labour Laws as amended by Decree No. 229 of 28 February 1967, and section 8 of Act No. 5584 of 26 June 1970, the authorities had very broad powers to cancel collective agreements not complying with the standards set by the Government's wage policy. It had also noted that, according to the Government, the adoption of Act No. 6708 implicitly made these provisions inapplicable in practice. The Committee considers that, in these circumstances, the provisions in respect of which it had made comments should be repealed.

The Committee notes the Government's statement that the adoption of the drastic wage control measures currently in effect is justified

by the serious economic problems facing the country. While understanding these difficulties, the Committee, referring to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular to paragraphs 311, 313 and 315 thereof, must recall that the right to freely negotiate wages with employers or their organisations constitutes a fundamental aspect of freedom of association and that no restrictions should be placed on this right unless as an exceptional measure and strictly limited in time. The Committee stresses that the provisions of Act No. 6708 mentioned above, i.e. sections 1, 11(2) and (3), and 12, have been in effect for more than four years. In the opinion of the Committee, by depriving workers of any possibility of negotiating their conditions of pay, these measures run counter to the principle of promoting collective bargaining as set forth in Article 4 of the Convention. The Committee considers that instead of unilaterally fixing the frequency of wage adjustments and their alignment on a national index, which constitutes a strict limitation over a number of years, it would be better to persuade the parties to collective bargaining to have regard voluntarily in their negotiations to major economic and social policy considerations and the general interest invoked by the Government.

Consequently, the Committee asks the Government to consider the situation in the light of these comments and to inform it of any measure taken to ensure compliance with Article 4 of the Convention.

2. The Committee has been commenting for many years on the application of the Convention to public officials other than those engaged in the administration of the State, the latter being the only officials excluded from the application of the Convention under Article 6 thereof. The Committee had pointed out that section 566 of the Codified Labour Laws, as amended by Act No. 6128 of 1974, denied state employees and employees of semi-official institutions except for those of mixed economy companies the right to form unions, and that such a legal provision was a serious obstacle preventing public servants (other than those engaged in the administration of the State) and workers in public enterprises including banking and credit establishments from enjoying the right to bargain collectively.

The Committee recalls that collective bargaining is possible only if the workers are able to set up, in full freedom, trade unions responsible for representing them as bargaining partners in discussions with employers.

Furthermore, the Committee notes that the Government refers to a White Paper (concerning section 529 which excludes public servants, employees of public administrations and autonomous services from the right to form unions), codifying the labour laws. In this regard, it has already, in the past, asked the Government to take measures to enable workers in public enterprises to enjoy the guarantees provided in the Convention, that is to say, to be entitled to organise and bargain collectively. The Committee notes with regret that, according to the Government's report, the Committee responsible for revising the Codified Labour Law, whose task it is to prepare the white-paper on the Labour Code, does not intend to alter the situation.

As the Government has, for some years, been referring to the preparation of a Labour Code complying with the Convention, the Committee trusts that the principles of free voluntary bargaining by trade union organisations of public officials other than those engaged in the administration of the State, of freedom of association for those who do not yet enjoy this, and of complete freedom to conduct voluntary collective bargaining for all workers and employers covered by the Convention, will soon be embodied in the legislation. The Committee asks the Government to keep it informed of developments in the situation in this respect.

Chad (ratification: 1961)

The Committee notes that after eight consecutive years, during which no report that was due was submitted, the Government sent information in April 1983. The Committee trusts that in future the Government will fully meet its obligation to send an annual report, as required by article 22 of the ILO Constitution.

Following its previous comments, the Committee refers to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular, to paragraphs 303 and 305 thereof. It stresses that, although the principle of collective bargaining is guaranteed by the Labour Code (Chapter III), the fact that the Ministerial approval is to be a prior and necessary condition for the entry into effect of collective agreements concluded between the parties, is contrary to the principle set forth in Article 4 of the Convention concerning the full development and utilisation of machinery for voluntary negotiation. Consequently, the Committee asks the Government to ensure that the principle be guaranteed by law pursuant to the Convention. Furthermore, the Committee notes that according to section 119, in the case of an equal vote on the conclusion of a collective agreement, the Chairman of the Joint Committee entrusted with the preparation of the agreement, who is a representative of the labour administration, can then order a second ballot in which he is entitled to participate. In the opinion of the Committee, this provision could involve a risk of having the conclusion of an agreement imposed by the administration, which would run counter to the principle of free negotiation between the parties. It hopes that the Government will be able to take the appropriate measures in the near future to ensure compliance with the Convention, in particular after the direct contacts which it has requested.

Furthermore, the Committee asks the Government to provide information on any refusal to approve collective agreements and on the reasons for and frequency of such refusals.

Dominican Republic (ratification: 1953)

The Committee has taken note of the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution to consider, inter alia, the observance by the Dominican Republic of the

Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in respect of the employment of Haitian workers in the sugar plantations of the country. It has also taken note of the comments transmitted by the Dominican Republic on the conclusions and recommendations of the Commission of Inquiry to the Governing Body of the ILO at its 224th Session (November 1983).

The Committee has for many years been commenting on the necessity of adopting adequate and effective measures of protection, accompanied by civil and penal sanctions, against dismissals for anti-union reasons and acts of interference by employers in workers' organisations, in order to ensure effective protection of the workers, in accordance with Articles 1 and 2 of the Convention. In this respect, the Committee has examined the report of the Committee on Freedom of Association on Case No. 1188, approved by the Governing Body at its 224th Session (November 1983), and it endorses the conclusions of this Committee, emphasising the necessity of taking measures for effective protection against acts of anti-union discrimination and of interference. The Committee observes that the Commission of Inquiry, in paragraph 473 of its report, mentions that the Government has recognised the necessity of improving the provisions of the Labour Code in accordance with the comments of the supervisory bodies of the ILO. Since the Government has also stated that collective agreements in certain plantations contain provisions protecting a specified number of union leaders against dismissal, the Committee wishes to emphasise that it is desirable for the law to embody these principles of protection against dismissal for anti-union reasons for all workers and also against acts of interference, with a view to giving effect to Articles 1 and 2 of the Convention.

The Committee trusts that the Government will do everything possible to this end and keep it informed of developments in the situation.

Haiti (ratification: 1957)

The Committee notes the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution to consider, inter alia, the observance by Haiti of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) in respect of the employment of Haitian workers on sugar-cane plantations in the Dominican Republic. It also notes the comments submitted by the Haitian Government on the conclusions and recommendations of the Commission of Inquiry to the ILO Governing Body at its 224th Session (November 1983). In particular, the Committee notes that the Government is considering the inclusion in the text of the individual work contract given to Haitian agricultural workers of a special clause guaranteeing the right of the worker to freedom of association and collective bargaining.

The Committee hopes that the Government will, in the near future, take the necessary measures to this end in order to ensure that these workers enjoy the guarantees set forth in the Convention. It asks the Government to keep it informed of developments in the situation in this respect.

Furthermore, the Committee asks the Government to provide in its next report, the information that it had requested in its previous direct request.

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 1983, as well as the comments made by the General Council of Trade Unions of Japan (SOHYO) concerning the implementation of arbitration awards and recommendations in respect of employees in public corporations and enterprises and of public employees, the scope of public service personnel, and the implementation of collective labour agreements at the local public service level.

1. As regards the implementation of arbitration awards affecting employees of national corporations and public enterprises and recommendations of the National Personnel Authority (NPA) affecting other public employees, the Committee, in its previous observation, drew attention to the principle that whenever such basic rights as the right to bargain collectively or the right to strike in essential services or in the public service are prohibited or subject to restriction - as is the case in Japan - 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 in order to safeguard to the full the interests of the workers thus deprived of an essential means of defending their interests. The Committee also recalled that the reservation of budgetary powers to the legislative authority should not have the effect of preventing compliance with awards handed down by arbitration bodies.

The Committee notes that, in its observations, the SOHYO points out that, as regards the employees of public corporations and national enterprises, the Public Corporations and National Enterprises Labour Relations Commission (KOROI) made an award on 3 June 1983 containing a wage increase of 1.83 per cent, effective 1 April 1983. SOHYO adds, that in spite of a number of representations made to the Government, and the referral of the awards to extraordinary sessions of the Diet, the award has not been implemented. The Government, for its part, explains that it decided to refer the award to the Diet in accordance with section 16 of the PCNELR Law, since it was not certain that sufficient funds would be available to implement the award. The Government adds that the Diet, on 28 November 1983, finally approved the arbitration award, which was subsequently fully implemented. In this connection, the Committee recalls the principle that arbitration awards, once handed down, should be fully and rapidly implemented.

2. The Committee has also noted that the SOHYO, in its observations, states that the recommendation of the National Personnel Authority, to increase wages by 4.58 per cent for public service personnel in 1982 was not implemented and that the recommendation, made in August 1983 to increase wages by 6.47 per cent has not been implemented in full. In response to these observations the

Government states that the recommendation made in August 1983 effectively included an average increase, as from 1 April 1983, of 6.47 per cent. The Government explains that, having carefully examined how the recommendation could be dealt with, and taking account of the overall political, economic and social implications, a decision was taken to grant an average increase of 2 per cent as from 1 April 1983. Although a reduction of staff was envisaged to meet the sum required to pay this increase, no dismissals of national public employees have in fact taken place. Finally, following meetings with the workers' organisations involved and with the President of the National Personnel Authority, the Government submitted a Bill to the Diet on 11 November 1983 for a pay rise of 2.03 per cent, retroactive to 1 April 1983. The Bill was passed on 28 November 1983. The Government points out that although public service workers' organisations do not have the right to conclude collective agreements, they may negotiate with the authorities on their working conditions by virtue of the National Public Service Law (section 108-5), and the Local Public Service Law (section 55). The Government emphasises that public employees enjoy adequate measures to compensate for the restrictions on their basic trade union rights. The Supreme Court of Japan has confirmed that public employees have the right, *inter alia*, to request the National Personnel Authority to take measures concerning their pay and to request the NPA to review any measures they may consider disadvantageous to them. The Government states that it maintains its basic policy of respecting NPA recommendations. The withholding of the NPA recommendation in 1982 and the partial implementation thereof in 1983 was the result of the unprecedented difficult financial situation, economic and social conditions, public opinion etc. In support of its arguments the Government supplies information concerning the national financial situation which, it states, led to the decisions on the NPA recommendations being taken. The Government adds that, the rate of pay for the current fiscal is almost equal to the rate of increase in consumer prices and that, if regular annual increments are taken into account, it carefully gave consideration to the standard of living of public employees. In addition, the Government states that, in taking its decision on the NPA recommendations, due account was taken of all the observations that were made by the workers' organisations both to the NPA and to the ministries concerned. The Government states that it thereby acted in good faith and even met with workers' representatives to persuade them to understand the difficulties involved in implementing the NPA recommendation in full.

3. The Committee has taken careful note of all the detailed information supplied by the SOHYO concerning these matters. While the Committee fully appreciates that, in times of economic crisis or difficulty, governments may judge it necessary to impose restrictions on the normal process of wage determination, nevertheless, in the present case, where public employees in the non-operational sector (i.e. all national and local public employees other than those employed in public corporations or enterprises) are not only denied the right to strike, but whose capacity to bargain is substantially limited, the Committee considers that it is all the more important that the recommendations of the National Personnel Authority are

implemented in full. The Committee would express the hope that, if the restrictions on the basic trade union rights of such workers are to be maintained, the Government will re-examine the procedures and machinery for the determination of wages and conditions of work in the public service in order to ensure that the guarantees laid down in the Convention may be fully applied to those public servants who come within its scope.

Paraguay (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:

In 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 specific provisions 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 very near future to bring the legislation into conformity with the Convention.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Sri Lanka (ratification: 1972)

The Committee notes the Government's report and the information concerning Act No. 32 of 1979 concerning Employees' Councils in state enterprises. It notes in particular that the council does, under section 45, enjoy the right to consult with the employer on transfers and dismissals of eligible employees.

However, as it had already pointed out in earlier comments, the Committee recalls that there is no special legislation with accompanying sanctions concerning anti-union discrimination in particular at the time of engagement and during the course of employment (Article 1 of the Convention), nor is there any legislation protecting workers and workers' organisations from interference by employers or their organisations (Article 2). The Committee recalls that the Government had announced in an earlier report the inclusion in the proposed Labour Relations Law of a chapter entitled "Freedom of Association and Unfair Labour Practices", involving provisions which

would bring the legislation into conformity with the relevant provisions in the Convention. The Committee therefore again asks the Government to inform it of developments in the situation in this respect. It expresses the hope that the appropriate provisions will be adopted very soon.

The Committee notes, furthermore, that the Employees' Council, set up in each state enterprise under section 6 of the above-mentioned Act, is responsible in particular for ensuring mutual co-operation between employees and the employer. It asks the Government, first, to provide details on the possible role of the Council in collective bargaining procedures within the state enterprise, in particular, if it is entitled to negotiate wages and, secondly, to indicate the extent to which workers' trade union organisations in enterprises covered by this Act are able to negotiate their employment conditions freely, pursuant to Article 4 of the Convention.

Trinidad and Tobago (ratification: 1963)

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

In previous comments, the Committee had pointed out that, under section 34 of the Industrial Relations Act, only a majority union having more than 50 per cent of the workers in a given unit could be certified as a bargaining agent. The Committee notes, furthermore, that despite its previous comments, section 74 D of the Education Act as amended (Act No. 1 of 21 April 1981), which relates to the procedure for recognising an association also restricts recognition to an association having as members or having the support of 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 more than 50 per cent of the persons in a unit cannot obtain a certificate as a recognised bargaining agent. The Committee would emphasise that, as these provisions of the law restrict the possibility of workers to bargain, the promotion of collective bargaining, in the sense of Article 4 of the Convention is not ensured.

The Committee notes the concern of the Government to avoid any trade union fragmentation within any one bargaining unit, but it considers that these provisions should be relaxed in order to allow workers, in the absence of any bargaining agent, to be able to negotiate their employment conditions. This relaxation could be achieved by authorising a majority union, which might not meet the more than 50 per cent condition required to be recognised as a bargaining agent, to be entitled nevertheless to bargain with the employer, or by granting any trade union in a given bargaining unit the right to bargain at least on behalf of its own members in such a way as to ensure the promotion of collective bargaining as set forth in the Convention.

The Committee hopes once again that the Government will take the necessary measures to amend legislation as indicated above.

With respect to the amended Education Act, the Committee had asked the Government to keep it informed of the practical application of this Act, in particular 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 on such applications. It notes the Government's statement that a single union, representing all teachers throughout the country, applied for and was granted recognition by the Board.

In its earlier reports, the Government had stated that the possibility of adopting a specific provision to ensure protection against acts of interference by employers' organisations was under discussion with the Labour Congress and the Employers' Consultative Association. The Committee notes that the Government makes no further reference to this in its report, but that it states that section 42 of the Industrial Relations Act sufficiently protects workers from any act of interference by employers' organisation. In the opinion of the Committee, this provision complies with Article 1 of the Convention. The Committee, therefore, recalls that in the legislation there are no clear and precise provisions with accompanying sanctions, which guarantee adequate protection of workers' organisations against acts of interference of the type set forth in paragraph 2 of Article 2 of the Convention. The Committee expresses the hope that the Government will consider taking appropriate measures so that specific provisions may be adopted in this respect and that it will keep the Committee informed of developments on the situation.

Turkey (ratification: 1952)

The Committee notes the Government's report as well as the discussion which took place in the Conference Committee in June 1983. It has also examined the Trade Unions Act, No. 2821 and the Act on Collective Agreements, Strikes and Lock-outs, No. 2822, both of May 1983, as amended in August 1983.

1. In respect of Act No. 2822, the Committee raises the following points: section 12 of the Act requires that trade union membership must exceed 10 per cent in the industry branch and 50 per cent in the workplace before the authorisation to negotiate and conclude a collective agreement may be granted. The Committee also notes that under sections 13 and 14, each time a trade union wishes to open negotiations, it is obliged to apply in writing to the administrative authorities for an authorisation.

With reference to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, in particular to paragraph 295 thereof, the Committee recalls that, where legislation restricts bargaining to an association which has a membership of more than 50 per cent of the persons in a given bargaining unit (absolute majority), it follows that a trade union, even with the majority, that does not have such a membership cannot obtain the necessary authorisation to bargain. Collective bargaining rights should nevertheless, if there is no union covering more than 50 per cent of the workers, be granted to the unions in this unit, at least on behalf of their own members.

In respect of sections 13 and 14 of the Act, the Committee stresses that the need for a union to obtain an administrative authorisation before being able to begin any bargaining is such as to impede the free exercise of trade union activity and thus runs counter to the principle of voluntary collective bargaining set forth in Article 4 of the Convention.

2. With reference to its earlier comments, the Committee also points out that the Supreme Arbitration Board established by Act No. 2364/1980 will have, according to sections 52 to 55 and as provided for already under article 54 of the 1982 Constitution, the right, in cases of prohibition or postponement of a strike, to put an end to the dispute, and its decisions in this respect will be final and have the force and effect of a collective agreement.

The Committee notes that under section 33 of Act No. 2822, if a legal strike appears such as to be harmful to public health or national security, it may be postponed by a decree of the Council of Ministers, for a period of 60 days, at the end of which the Supreme Arbitration Board will resolve the dispute. By establishing in certain cases a compulsory arbitration procedure and collective agreements that have not been negotiated by the workers, these provisions, in the opinion of the Committee, restrict the right to voluntary collective bargaining as set forth in Article 4 of the Convention.

3. The Committee accordingly requests the Government to take appropriate measures to ensure that the legislation is amended in the light of its above-mentioned comments.

4. Furthermore, the Committee has noted the conclusions formulated by the Committee on Freedom of Association, concerning Cases Nos. 997, 999 and 1029, in its report approved by the Governing Body at its 224th Session (November 1983).

In this connection, the Committee must recall the importance which it attaches to the essential principles according to which the unions, as representatives of the workers, should be able to organise their activities freely and normally and to formulate their programmes so as to take full advantage of the right to negotiate collective agreements.

The Committee requests the Government to inform it of the situation regarding the measures taken to suspend trade union activities and collective bargaining.

Uganda (ratification: 1963)

The Committee notes the Government's report.

In earlier comments, the Committee had pointed out that Decree No. 20 of 1976 concerning trade unions did not apply to the Bank of Uganda and that, as a result, persons working in that Bank did not enjoy the rights guaranteed by the Convention.

The Committee notes that, in reply to its direct requests concerning the situation of these employees with respect to freedom to organise and bargain collectively, the Government states, as it did in its 1981 report, that interministerial consultations are being held on this subject. The Committee recalls that only public servants

engaged in the administration of the State are excluded from the scope of the Convention (Article 6); consequently it draws the Government's attention to the need to grant to the employees of the Bank of Uganda the rights set forth in the Convention, in particular the right to bargain collectively. The Committee requests the Government to provide information on the development of the situation in this respect.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Belgium, Greece, Grenada, Jamaica, Saint Lucia, Syrian Arab Republic, Yemen.

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

From its review of the latest government reports on Convention No. 100 and its observation of developments in many countries, the Committee is impressed with the growing importance of women in the workforce and the increasing awareness of continuing job discriminations against women workers in pay as well as in other matters.

In its study of the law and practice in countries that have ratified Convention No. 100, the Committee has been materially assisted by the detailed reports furnished by a number of governments. These have analysed the many forms that pay discrimination in violation of the Convention may take and the wide variety of programmes undertaken or envisaged to carry out its principles.

In a number of these cases, trade union and employer organisation comments have also contributed to the raising of basic questions essential to an analysis of the country's practice.

By contrast, the reports of many other countries have tended to be so brief or so general that the Committee has considerable difficulty in drawing conclusions about the real situation as respects equal remuneration and in framing requests or observations that may assist governments in complying with their obligations under Convention No. 100.

For example, in the case of countries which rely upon collective bargaining agreements and their registration as a principal means of implementing this Convention, the Committee has not been able, in the absence of more detailed reports by governments, to determine the extent to which monitoring procedures have succeeded in achieving compliance in practice.

This problem is not uncommon in the Committee's consideration of Conventions with rather broadly stated, general objectives, as was most recently pointed out in respect to Convention No. 122.

So also in its consideration of Convention No. 100 which vitally affects the interest of such a large part of the world's workforce, the Committee would again draw to the attention of all governments the urgent need to analyse and to report in detail on existing conditions and all measures and programmes to apply the Convention in full, as suggested by the form for reports regularly sent to all ratifying countries by the Office.

The Committee hopes that its observations on a number of the rather full reports that have been furnished may suggest ways in which other governments also could review and report their progress.

Argentina (ratification: 1956)

1. In its earlier comments, the Committee noted the existence of discriminatory clauses in respect of women's pay in certain collective agreements, particularly in the tobacco and clothing sectors. The Government stated that, once the process of collective bargaining had been re-established, it would send a copy of the comments of the Committee of Experts, to the employers' and workers' organisations concerned, so that they would conform to the principles of the Convention on the basis of an objective appraisal of jobs. The Committee also noted that the re-establishment of collective bargaining depended on the final regularisation of the trade union organisations and on the economic context.

The Committee notes with interest the adoption of Decree No. 439 of 1982 and that, in the view of the Government, this is one of the measures it has taken to ensure the necessary social and economic basis for the re-establishment of the collective bargaining system and that section 6 of the Decree provides that the Minister of Labour may set up tripartite advisory committees on employment and remuneration for the purpose. The Committee requests the Government to furnish full information on the activities of these committees, indicating the measures taken or under consideration to ensure the application of the principle of equal remuneration embodied in section 172 of Act No. 20744, concerning contracts of employment.

2. The Committee also notes with interest from the report of the Government that the repeal of Decree No. 9 of 1976 which provided for the transitory suspension of the trade union activity of organisations of workers, employers and professionals, makes it legally possible to resort to the procedure provided for by Act No. 14250 of 13 October 1953 respecting collective bargaining. The Committee asks the Government to indicate the measures taken or under consideration to promote the application, among the occupational organisations, of the principle contained in the Convention, particularly in sectors where discriminatory collective agreements exist.

Barbados (ratification: 1974)

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

1. In previous comments the Committee referred to differentials in wages paid to men and women under minimum wage legislation in the sugar industry. It noted the Government's indications that these wage rates reflected differences in the jobs performed and had been superseded by collective agreements, that parties to these collective agreements had been informed of the Committee's comments and requested to make the appropriate changes, and that the legislation would also be brought into conformity with the Convention.

The Committee notes from the Government's latest report that there is no signed collective agreement in force in the sugar industry at this time. It also has taken note of the Sugar Workers (Minimum Wage) Order adopted by the Cabinet in 1982, which again established differentials in wage rates by reference to the sex of the workers and not to the job performed. The Committee hopes that the necessary measures will soon be taken to bring this order into conformity with the Convention and that the Government will indicate the action taken.

2. The Committee notes that there has been no further progress on the Employment and Related Provisions Bill - which is to embody the principle of equal remuneration in terms similar to those of the Convention - and that it is unlikely that this Bill will be proceeded with in its present form. It notes the indication that a copy of the draft Bill or the comments made thereon by the occupational organisations cannot be supplied to the ILO. The Committee regrets the absence of evidence regarding progress in the application of the Convention, but hopes that the Government will indicate the means by which the principle of the Convention is to be applied to all workers.

3. The Committee previously noted that the collective agreement of 11 September 1979 for workers in the hotel catering group makes some differentiation between jobs on the basis of sex. The Committee notes from the Government's latest report the statement by the Barbados Workers' Union that any differences in wages between males and females reflect the job functions performed and that it is intended that references to sex in the nomenclature of posts will be removed during the next negotiations with employers. The Committee hopes that this intention will be followed up soon, in accordance with Part 22 of the agreement, and that the Government will report any action taken.

4. The Committee again asks the Government to supply details on any measures taken at the industrial or national level to promote an objective appraisal of jobs, without regard to sex, on the basis of the work to be performed.

Belgium (ratification: 1962)

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

1. The Committee notes with satisfaction from the Government's report that under Royal Orders of 10 September 1981 and 14 December

1981, amending the Royal Order of 30 January 1967, which awarded a housing or residential allowance to the staff of ministries, the housing or residential allowance is awarded according to the same criteria for male and female officials.

2. In its earlier comments, the Committee noted that a general examination of collective agreements was undertaken from 1976 onwards by the joint committees on the initiative of the Government to bring these agreements into conformity with Collective Agreement No. 25 on equal remuneration and in particular with its article 3 concerning the elimination of discrimination from systems for the appraisal of jobs. According to the first findings of this general examination, there were still some cases of direct discrimination in the agreements in force but the main difficulties in giving effect to the principle of equal remuneration were those connected with the occupational classification and the appraisal of jobs. The Committee noted the statement by the Government that the joint committees had taken into account the need to eliminate all direct or indirect discrimination in the drafting of the new agreements, and asked for fuller information on the measures taken in respect both of the elimination of discrimination and of the objective appraisal of jobs, with copies of the collective agreements.

The Committee notes with interest the statement of the Government in its last report that the directly discriminatory provisions in collective agreements have been amended and that, although most of these agreements have been extended several times, no new infringements have been observed. The Government adds that the obligation to append Collective Agreement No. 25 to works rules has had a largely positive influence on the negotiated part of remuneration. Nevertheless, the report states that the problem of the objective evaluation of jobs and skills remains untouched.

The Committee also takes note of the collective agreement for the building sector for the period 1980 to 1983, article 13 of which provided for equal remuneration between male and female workers carrying out the same work, that is to say the same job (paid by time). The Committee points out that article 1 of Collective Agreement No. 25, like the ILO Convention, provides for the elimination of all forms of discrimination on the basis of sex not only for the same work but also for work of equal value and that under article 3 of Collective Agreement No. 25, systems for the appraisal of jobs should on no account lead to discrimination either in the choice or in the weighting of the criteria. It hopes that suitable measures will be taken to solve the persistent difficulties observed in giving effect to the principle of equal remuneration, that are connected with the appraisal of jobs and that the Government will provide detailed information on this and also copies of the collective agreements entered into successively in the various branches of activity.

3. The Committee notes from the report of the Government that a partial survey carried out on the initiative of the Committee on Women's Work shows that problems sometimes remain in respect of the non-statutory benefits granted to certain staff members, such as non-statutory family allowances granted automatically to male staff with children but to women only when they can prove that they are heads of household, a supplementary allowance paid to male staff whose

wives do not work, etc. The Committee hopes that the Government will provide information on all measures undertaken as a result of this survey with a view to extending the application of the principle of equality to the benefits in question.

4. The Committee notes the information provided by the Government in its report to the effect that, since women workers are very often most numerous in the least well-paid groups, the Committee on Women's Work has been instructed to attempt to define the notion of indirect discrimination, which it has done in its opinion No. 36 dated 9 May 1983. This is the subject of comments in the Government's report on Convention No. 111 and will be considered by the Committee at its next session in connection with that report.

Denmark (ratification: 1960)

In previous comments, the Committee noted that under section 1 of the 1976 Act respecting equal wages for men and women, every employer who employs men and women at the same workplace shall pay them equal wages for the same work. It also noted the indications by the Government that the scope given to this provision in practice by the social partners and the Labour Court corresponds to the notion of equal remuneration for work of equal value, and asked the Government to provide any relevant information (such as Court decisions) to illustrate this point. The Committee notes from the Government's latest report that the only decision which may be referred to in this connection is an arbitrator's decision of 8 December 1977 which concerned the problem of equal remuneration of two groups of unskilled workers covered by two different collective agreements within the same enterprise. The Committee hopes that at an appropriate occasion, the principle of equal remuneration for work of equal value, agreed upon by all concerned, will be given general legal recognition, and that the Government will indicate in its future reports any relevant developments.

Finland (ratification: 1963)

The Committee takes note of the information submitted by the Government.

1. In its previous observation, the Committee noted with interest that, in order to give effect to section 3 of a National Programme for promoting equality between women and men, dealing with the status of women in the state administration, the Government was considering in connection with a comprehensive reform of the legislation concerning public servants, the adoption of provisions against every form of discrimination and also measures concerning employment under the state collective agreement and under a contract of employment in the state administration.

The Government in its report states that the reform of the legislation is continuing and that, though the present legislation does not expressly prohibit discrimination on the basis of sex, discrimination is prohibited by virtue of the provisions on the equal

treatment of citizens in the Constitution and the provisions concerning the criteria for promotion binding the authorities. The Government also states that, with regard to rates of remuneration, the legislation obliges employers to apply the rates fixed by national collective agreements for work of the same or a similar kind, and that, under section 17 of the Act on contracts of employment, the employer must treat his employees without distinction based, *inter alia*, on sex. The Committee notes these indications and asks the Government to continue to provide information on developments in the reform of the legislation.

2. The Committee also noted that, under Part 2 of the National Programme for promoting equality, which is devoted to working life, the Government intended to adopt legislation prohibiting discrimination on the basis of sex, *inter alia*, in the field of remuneration. The Government states in its report that a tripartite working group has been set up to continue the preparatory work undertaken on the basis of the report of the Working Group on Equality. This tripartite working group submitted a report on 23 August 1983, without having reached a consensus, particularly since the social partners differed on the proposals concerning the regulation of recruitment. The Committee also notes the observations of the Central Organisation of Finnish Trade Unions (SAK) and the Finnish Employers' Confederation (STK) and the Employers' Confederation of Service Industries (LTK) on these questions, which relate more directly to Convention No. 111, and hopes that the next reports on the latter Convention and on this one will enable it to examine the progress made in this connection.

3. The Committee also notes the observations of the Central Organisation of Finnish Trade Unions according to which in the very great majority of branches of activity, an actual division of labour remains between male and female jobs, and the present criteria for the appraisal of jobs tend to undervalue the skills normally required for jobs that are in practice performed by women. Furthermore, according to the Central Organisation of Trade Unions, there are differences in remuneration suggesting discrimination even in cases where men and women have the same occupational title and are in the same group in respect of occupation, age, education, etc. The Committee also notes the statistics provided by the Government, which show a slow but steady reduction in the gap between the average wages of men and women in industry, and requests the Government to provide information on all measures taken or under consideration, both by the public authorities and by the social partners, with a view to reconsidering the criteria and methods of appraising jobs used at present, so as to ensure equal remuneration for work of equal value.

France (ratification: 1953)

1. The Committee has taken note with satisfaction of Act No. 83.635 of 13 July 1983 for the amendment of the Labour Code and the Penal Code in respect of occupational equality between men and women, and notes in particular that the new section L.330.2 provides for the setting up of a Central Council for Occupational Equality between Men

and Women to participate in the definition, implementation and pursuance of the policy with respect to occupational equality. The Committee requests the Government to provide a copy of the decree issued by the Council of State laying down the conditions for the application issued by section L.330.2, together with full information on the activities of the Central Council for Equality in relation to the application of the principle of equal remuneration embodied in the Convention.

2. In its previous comments the Committee noted that, according to the Government's report, while the occupational classifications laid down in collective agreements did not as a rule make any distinction between men and women, their revision by collective agreement remained one of the best ways of applying the concept of "equal value" so as to obtain an objective assessment of the value of the duties to be performed. The Committee also noted that any difficulties that might arise from the application of the principle of equal remuneration were more likely to relate to the actual wages received by workers of both sexes and that the public authorities were anxious to encourage the social partners to rectify any discrepancies there might be. The Committee notes with regret that the Government's report contains no further information on these points.

The Committee notes, however, that under the terms of section L.123.1(c), as amended by Act No. 83.635, no measure may be taken by reason of sex in respect, inter alia, of remuneration, training, assignment, skill acquirement, grading, vocational training or transfer. Furthermore, under the terms of section 19 of Act No. 83.635, the provisions of sections L.123.1(c) and L.123.2 of the Code do not preclude the observance of customs or of clauses of contracts of employment, collective agreements or collective arrangements in force at the date of promulgation of the Act which confer special rights upon women. However, it is incumbent upon the employers' and workers' organisations to endeavour, through collective bargaining, to bring these clauses into conformity with the provisions of the sections in question. The Committee requests the Government to supply information on the measures taken or contemplated to ensure and promote the application by the social partners of the principle of equal remuneration to the wages actually received by workers of both sexes, and to indicate the progress made in this respect.

The Committee also requests the Government to supply the new classifications adopted both in the public sector and in the private sector on the basis of the concept of work of equal value as defined in section L.140.2, as amended by Act No. 83.635.

3. The Committee requests the Government to continue to supply information on any decisions by courts of law relating to the application of the Convention.

Greece (ratification: 1975)

The Committee takes note of the report of the Government.

1. In its previous comments, the Committee noted Decision No. 1465 of 1980 of the Supreme Court of Appeal, ruling that the marriage allowance payable to married men under the staff rules and regulations

of the Bank of Greece could be higher than that payable to married women in view of the fact that, under sections 1398 and 1399 of the Civil Code, it was normally the man who bore the expenses of the household and his liability was therefore heavier than that of a married woman. The Committee notes with satisfaction the adoption of Act No. 1329 of 1983, which repeals sections 1398 and 1399 of the Civil Code and provides under sections 1389 and 1390 for the joint obligation of husband and wife to contribute, each according to his means, to the satisfaction of the family needs. The Committee asks the Government to provide information on the application of these measures in practice, particularly in respect of the staff of the Bank of Greece.

2. The Committee notes with interest that the bill "to apply the principle of equality between the two sexes in respect of labour relations" has been submitted to the Greek Parliament with a view to bringing the national legislation into harmony with Directives Nos. 75/117 and 76/207 of the EEC. It notes that this bill embodies the principle of equal remuneration between men and women for work of equal value, determines the beneficiaries of marriage and family allowances irrespective of sex, provides for an objective classification of jobs and establishes various bodies for the application, supervision and promotion of the principle of equality between the sexes in the employment field. The Committee asks the Government to provide a copy of the text as soon as the Act is adopted.

3. The Committee takes note of the information concerning the elimination of discriminatory clauses in certain collective agreements, in accordance with section 116 and section 22, subsection 1(2), of the Constitution. The Committee asks the Government to continue to supply information on the legal verification of collective agreements and arbitration awards by the Ministry of Labour.

4. In its previous comments, the Committee noted that under the Code of Occupations based on the ILO International Standard Classification, the classification of occupations is the same for both sexes. In its report the Government states that there are no longer any differences or discrepancies between male and female wage rates. The Committee asks the Government to provide detailed information on the methods used to eliminate all forms of discrimination between wage rates and to supply copies of collective agreements adopted under the Code of Occupations.

5. The Committee takes note with interest of the establishment of the Council for Equality of the Sexes under the Prime Minister's Office, following the adoption of Act No. 1288 of 1982. It notes that under Circular No. 100 of 5 July 1983 of the Ministry of Home Affairs, tripartite committees on the equality of the sexes have been established in all regions of the country, as part of the system of prefectural councils. The Committee asks the Government to provide information on the activities of these bodies, in co-operation with the social partners, for the promotion of the principle of equal remuneration.

6. The Committee asks the Government to supply information on the terms of the observations made by women's organisations and certain members of Parliament on the application of the principle of equal remuneration, which were mentioned in an earlier report.

Iceland (ratification: 1958)

With reference to the comments it has been making for some years, the Committee asks the Government to supply information on the application of the Convention in practice, particularly on the work of the Equality of Treatment Board in the light of the functions assigned to it under section 10 of Law No. 78 on the equality of women and men.

The Committee notes that a bill has been prepared to replace Law No. 78. It again asks the Government to provide full information on the measures taken or under consideration to give effect to the principle of equal remuneration embodied in section 2 of Law No. 78 and to supply the text of the bill when adopted.

Japan (ratification: 1967)

The Committee has taken note of the Government's report, as well as the comments made by the Japanese Confederation of Labour (DOMEI).

1. The Committee noted in earlier comments the existence of a trend towards a wage-fixing system based on job content. In its report the Government states that the change from a seniority wage system to a wage system based on job content should theoretically promote the principle of equal remuneration for men and women by reducing the differences in earnings due to the shorter average length of women's service.

The Government points out, however, that both employers and workers recognise the merits of the seniority-based wage system, and that it will have to be reformed gradually to an extent not detrimental to these merits.

The Committee notes the comments of the Japanese Confederation of Labour (DOMEI) to the effect that the general wage structure in Japan is based on age and length of employment, together with job category and skill, and that at present the value of labour is not reflected in the level of remuneration. The Japanese Confederation of Labour (DOMEI) adds that a discrepancy exists between the principle of equal remuneration as embodied in the Labour Standards Act, and its interpretation, on the one hand and the actual wage system on the other.

The Committee points out the importance of measures to encourage objective appraisal of jobs within the meaning of Article 3, paragraphs 1 and 2, of the Convention as a means of facilitating the establishment of a rational and non-discriminatory system of remuneration. The Committee requests the Government to continue to supply detailed information on the introduction of methods of objective job appraisal in undertakings and on the nature of such methods.

2. The Committee had earlier noted the results of a survey carried out by the Ministry of Labour in April 1981 which revealed differences between the starting pay of men and women and attributed the discrepancies in pay scales to differences in the nature of the work or in the content of the same kind of work.

In its report the Government states that differences in the type of work or in job content in the same occupation were not provided for

in the questionnaires for the survey. It was noted, however, that women might not be engaged for certain categories of work requiring physical strength, special techniques or qualifications, outdoor work or business travel.

In this connection the Committee notes the comments made by the Japanese Confederation of Labour (DOMEI) to the effect that with recruitment practices as they are at present, it is not possible to evaluate in advance the abilities of workers with similar levels of education and with no previous experience and offer this as an explanation for the initial pay differences for male and female workers, and that, consequently, in most cases this gap in starting pay constitutes discrimination on the basis of sex.

The Committee takes note of these statements and requests the Government to supply in its next report full information on the differences between the starting pay of men and women workers, as well as on the procedure for drawing up pay scales, and to supply copies of these pay scales wherever possible.

Netherlands (ratification: 1971)

The Committee has taken note of the Government's report.

1. The Committee notes the results of the inquiries carried out in 1981 and 1982 by the Wages Office, according to which the differences noted between the wages of men and women holding posts of more or less equal value in the wholesale trade were not based on sex. The Committee, however, notes the reservations expressed by the Committee for the Equal Treatment of Men and Women as to the methods used and the conclusions reached in these inquiries, as well as those formulated, according to the Government, by workers' organisations. The latter indicated that such comparisons between posts of more or less equal value are artificial and do not reveal underlying factors or forms of indirect discrimination against women. The Committee requests the Government to supply full information concerning the measures taken or envisaged to follow up these inquiries, having regard to the reservations of the organisations concerned. It also requests the Government to continue to supply information on the activities of the Wages Office, and in particular on the results of the survey conducted in the health care sector.

2. The Committee has taken note of the information concerning the cases of discrimination in wages referred to the Committee for the Equal Treatment of Men and Women at Work, and requests the Government to continue to supply information in this respect, including the efforts of the agency to reduce the time, averaging 12.5 months, to deal with applications.

3. The Committee notes the information on the activities of the Commission on the Equal Treatment of Male and Female Civil Servants, particularly with respect to the cases concerning the system of levying premiums for the old-age pension and survivors' benefit scheme in operation in the civil service. Under this system premiums are based on earnings and subject to a ceiling calculated as a percentage of income, the amount of benefit being dependent upon the amount paid in premiums. In the case of a married couple the premiums are first

levied on the man's income, and his wife's income is taken into consideration only to make up the difference until the ceiling is reached. The Committee notes that according to the Commission on Equal Treatment this system differentiates between men and women, and that the trade union movement has brought the matter before the European Court of Justice.

The Committee requests the Government to supply full information on future developments.

Noting further from the Government's report that the existing differences between men and women under the social security scheme will be ended in late December 1984, the Committee requests the Government to supply information as to the measures taken to this effect.

4. The Committee requests the Government to supply full information on the follow-up to be given to the survey with respect to the application of the European Economic Community directive concerning equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

Norway (ratification: 1959)

The Committee takes note of the detailed information provided by the Government.

1. Further to its previous comments, the Committee notes with satisfaction from the Government's report that the rules governing private pension schemes were amended in March 1982 so as to make it no longer permissible to provide in agreements for differing retirement ages on the basis of sex. It also notes with interest that under a proposed amendment to the same rules, female employees will be able to subscribe to widowers' pension schemes on a collective basis. The Committee looks forward to learning of further developments in this respect.

2. The Committee notes with interest that a number of complaints received under the Equal Status Act concerning unequal treatment for female health personnel in the allotment and laundering of working clothes, have led the Equal Status Commissioner to take the matter up with all country communes in order to ascertain the situation at the individual hospitals, and that the matter will be followed up once replies have been received.

3. The Committee notes with interest from the Government's report that enterprises where the wage level was lower than 85 per cent of the average for the manufacturing industry were to receive, once a year, a guaranteed supplement to bring the enterprise's average wage rates up to 85 per cent: this scheme, created under the wage settlement of 1980 and financed partly by the enterprises and partly by all workers covered by agreements between the Confederation of Trade Unions in Norway (LO) and the Norwegian Employers' Confederation (NAF), has special significance for the textile and clothing industry and for branches of the food and beverage industry which employ a large proportion of women.

4. The Committee also notes with interest from the government's report that for a number of posts in central and local government

service, prior work in the home entitles workers to up to six years' seniority in pay, and in the commercial and office sector, it may also be counted to a reasonable extent.

5. The Committee notes the information on the trend in wages of male and female workers and on the work of the Equal Status Council. In its report, the Government states that although on the whole women's wages follow a positive trend in relation to men's wages, certain sectors remain stationary or even fall back (textiles and clothing industry, food and drinks sector). The Committee asks the Government to continue to provide information on wage trends, particularly in the above-mentioned sectors, and on the activities of the Council to encourage the application of the principle of equal remuneration for work of equal value. It also asks the Government to supply the report of the Institute of Industrial Economics entitled "Women in industry: Pay, position and sex", whose conclusions show wage discrepancies between the sexes even after the correction of differences due to certain factors such as education, training or age, and to indicate any measure taken or under consideration to improve the situation shown by the Institute.

6. The Committee notes that, following the proposals contained in the action plan of the Equal Status Council, the Confederation of Trade Unions in Norway (LO) and the Norwegian Employers' Confederation (NAF) adopted in 1981 a framework agreement concerning equal status for men and women in working life, in which special reference is made to Convention No. 100. Several agreements of this type have been signed between occupational organisations, particularly in the banking and insurance sector, and several unions have adopted their own equal status programmes. The Committee notes that these agreements have been the subject of exchanges between occupational organisations and the Equal Status Council, particularly at the annual liaison conference of 1982 and through the study carried out by the Council on these agreements. The Committee asks the Government to provide information on the measures taken or under consideration in relation to these agreements in order to promote the principle of the Convention.

7. The Committee notes from the report of the Government that the Norwegian Employers' Confederation (NAF) and the Confederation of Trade Unions in Norway (LO) have concluded a framework agreement regarding the systematic appraisal of jobs as the basis for wage fixing. Under this agreement, a wage-fixing system based on job appraisal may be introduced in individual undertakings or branches of industry. The Committee notes that the Government has no information on the practical application of this agreement. It requests the Government to provide any information it may receive from the organisations concerned.

Switzerland (ratification: 1972)

The Committee notes the information provided by the Government in its latest report and to the Conference Committee in 1982.

1. In its earlier comments the Committee noted that a new provision in the Constitution, which came into force in 1981, confirms

the principle of equal remuneration for work of equal value and asked for information on its application, in particular through court decisions and any supplementary legislative measures that might be under consideration or adopted.

The Committee notes the information given by the Government in its report to the effect that a list of provisions in federal laws to be revised with a view to eliminating discriminatory provisions is still being prepared with the active participation of the Federal Commission for Women's Questions but that it seems unlikely that the revision will have a direct effect on the sphere of remuneration since the constitutional provision is self-executing. The Government adds, however, that it is not yet known whether the courts will be able to give adequate effect to the right to equivalent pay defined in the Constitution or whether it will after all be necessary to issue regulations.

The Committee accordingly asks the Government to provide the text of any court decision taken in the matter and also information on any developments in the legislation concerning the Convention.

2. In its earlier comments the Committee noted that the authorities refuse to give general binding force to collective agreements providing for minimum wages differing between men and women where they perform work of equal value, but that the great majority of collective agreements are not meant to receive general binding force; and that a survey carried out in October 1977 showed that many collective agreements still provided, on no obvious grounds, for minimum wages that differed between men and women, in particular in the pasta, cocoa, chocolate, cotton, linen, ready-made clothing, tailoring, lingerie and fancy leather goods industries; in the graphic arts and book-binding, the chemicals industry, retail trade in footwear and textiles, and in cleaning.

The Committee pointed out that respect for the principle of freedom to enter into agreements and for the independence of the parties was compatible with measures of encouragement when they were necessary to give full effect to the Convention. It noted with interest that the Federal Council, in a message of 14 November 1979 announced its intention of shortly reissuing the recommendations concerning the implementation of the principle of equal wages, which had been notified, in 1973, by circular to the cantons, and to the employers' and workers' associations; and the Committee asked the Government to provide information on the measures taken in this connection and on progress reported in applying the principle of equal remuneration in collective agreements in the branches concerned as well as in wages actually paid in the private sector, in the public sector of the cantons and communes; and in work carried out under contracts entered into by a public authority with an undertaking.

The Committee notes the Government's statement in its last report that the principle that men and women be entitled to equal wages for work of equal value might be still more clearly laid down in collective agreements. In the absence of any further information on the various questions it has already raised, the Committee hopes that the Government will shortly provide full information on the results of the action intended by the Federal Council and on the progress

observed in the application of the Convention in the various fields mentioned above.

United Kingdom (ratification: 1971)

The Committee notes the information supplied by the Government in its report. It also notes the comments made on the Government's report by the Trades Union Congress in a communication of 15 December 1983.

1. The Committee notes with interest the entry into force on 1 January 1984 of the Equal Pay (Amendment) Regulations 1983. In its report, the Government indicates that these Regulations have been introduced in order to bring the Equal Pay Act 1970 into full compliance with the European Equal Pay Directive (75/117/EEC) following a ruling of the European Court of Justice in 1982 that the 1970 legislation, as amended, did not contain measures to enable employees to obtain equal pay for equal work where no system of job classification existed. The Committee notes the Government's statement that under the new Regulations, a woman is entitled to equal pay with a man in the same employment (and vice versa) not only in the circumstances laid down in the 1970 Act, namely, where a woman was employed on work which was "like" or which had already been "rated as equivalent" under a study but also where her work is of "equal value" to a man's in terms of the demands made on her (for instance under such headings as effort, skill and decision).

The Committee also notes the statement made by the Trades Union Congress (TUC) in its comments that the new Regulations allow for an Industrial Tribunal to reject a claim for equal value if the employer can show that the difference in pay "is genuinely due to a material factor which is not the difference in sex, and that factor ... may be such a material difference". The TUC states that this could make it difficult for a woman to claim "equal value". The TUC points out that, as well as the complexities relating to "material differences" and "material factors", a tribunal is asked to consider a material factor defence before it proceeds to a full hearing of the equal pay application, so that an equal value application can be defeated at the first stage without the applicant's case being considered in full or her work being evaluated by an expert.

The TUC further states that the applicant will need to compare her job to that of a particular man and this limits the number of women who can take cases because women who work in "all women" establishments will be unable to take equal-value cases and there is no possibility of class actions. In addition the TUC is concerned that for any comparison to be made, a woman and a man have to be working at the same time and a woman therefore could not compare herself with a man who had previously held the position in question. In this connection, the Committee also notes that under the Regulations, entitlement to equal pay is limited to persons "in the same employment".

The Committee hopes that the Government will supply all relevant explanations, including information on any measures taken or contemplated in these respects to promote the principle of equal pay

for work of equal value, and that it will also supply information on the application of the new Regulations and implementing procedures, including details of any claims presented, and copies of decisions of industrial tribunals and job-evaluation studies made by experts under the Regulations. The Committee would also ask the Government to indicate what measures are envisaged to ensure that women who work in all-female or predominantly female establishments are able to pursue their claims for equal pay under the new Regulations.

2. The Committee notes from the Government's report that the results are not yet available from two research projects, referred to previously, which had been undertaken with a view to examining and promoting the concept of an objective evaluation of jobs. The Committee hopes that the results of these research projects will be available with the Government's next report.

3. The Committee notes from the Government's report that while the earnings gap between men and women narrowed between the years 1970 and 1977, it has remained broadly constant since that time; and that according to the New Earnings Survey for full-time employees aged 18 years and over, the average hourly earnings (excluding overtime) of women as a proportion of the corresponding average for men was 74.8 per cent in 1981 and 73.9 per cent in 1982. The Committee would be grateful if the Government would continue to send any available information concerning movements in the general level of the wages of women in relation to those of men.

4. The Committee also notes the statement of the TUC that current job evaluation schemes tend to reinforce the position of women in low-paid and lower-grade jobs. The Committee hopes that the Government will supply further relevant explanations as well as the texts of job evaluation studies concluded for industries employing large numbers of women.

5. The Committee notes that some of the comments made by the TUC which concern specifically the rules of procedure in equal value cases under the Industrial Tribunals (Rules of Procedure) (Equal Value Amendment) Regulations 1983 have now been reflected in changes made during the consultation period and do not, therefore, appear to call for comment by the Committee.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Belgium, Cape Verde, Comoros, Djibouti, Dominican Republic, Ghana, Guinea-Bissau, Guyana, India, Indonesia, Islamic Republic of Iran, Ireland, Israel, Japan, Jordan, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Panama, Paraguay, Philippines, Rwanda, Saudi Arabia, Sierra Leone, Sudan, Sweden, Tunisia, Yemen.

Convention No. 102: Social Security (Minimum Standards), 1952Costa Rica (ratification: 1973)

The Committee notes with satisfaction that the new Workmen's Compensation Act No. 6727 of 1982 provides for the granting of a life-long pension in cases of total permanent invalidity and complete disability as prescribed in Article 38 of the Convention.

The Committee has made a direct request with respect to the application of other provisions of the Convention.

* * *

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

Convention No. 103: Maternity Protection (Revised), 1952Ecuador (ratification: 1962)

The Committee notes that the drafts to amend sections 153, 154, 155 and 156 of the Labour Code are at present being studied in the office of the President of the Republic and that, as soon as the Executive issues its decision, they may be referred to Parliament. These drafts would bring the national legislation into conformity with the following provisions of the Convention: Article 3, paragraphs 2 and 3, and Article 4, paragraph 1 (duration of maternity leave and benefits to be at least 12 weeks); Article 5 (interruptions of work for nursing to be counted as working hours and remunerated accordingly).

The Committee hopes that these drafts will be adopted in the near future and that, at the same time, they will be supplemented to ensure, as provided in the draft prepared during the direct contacts held in 1980, that, where confinement takes place after the presumed date, pre-natal leave and maternity benefits will be extended until the actual date of confinement without any reduction in the leave to be taken after confinement or in the corresponding cash benefit, in accordance with Article 3, paragraph 4 (read in connection with Article 4, paragraph 1, of the Convention).

Zambia (ratification: 1979)

With reference to its previous comments, the Committee notes with satisfaction the adoption of Act No. 18 of 20 August 1982, amending of the Employment Act of 1965-66 (Cap. 512), by which effect is given to Article 4, paragraphs 1 and 2, of the Convention (duration of paid maternity leave).

The Committee also draws the Government's attention to a certain number of points which it is raising in a direct request.

* * *

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

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

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

Convention No. 105: Abolition of Forced Labour, 1957

Afghanistan (ratification: 1963)

Article 1(a) of the Convention

1. The Committee notes that under sections 100(2) and 101(3) of the Penal Code of 7 October 1976 (15 Mizzan 1355), a person sentenced to continued, long or medium-term imprisonment is obliged to perform corrective labour. The Committee notes that prison sentences which thus involve an obligation to perform labour may be imposed under the following provisions of the Penal Code:

(a) Sections 184(3), 197(1)(a) and 240, concerning, inter alia, the publication and propagation of news, information, false or self-interested statements, biased or inciting propaganda concerning internal affairs of the country which reduces the prestige and standing of the State, or for the purpose of harming public interest and goods;

(b) Sections 221(1), (4) and (5) under which a person who creates, establishes, organises or administers an organisation under the name of party, society, union or group with the aim of disturbing and nullifying one of the basic and accepted national values in the political, social, economic or cultural spheres of the State, or makes propaganda for its extension or attraction to it, by whatever means it may be, or who joins such an organisation or establishes relations, himself or through someone else with such an organisation or one of its branches.

As the Committee has indicated in paragraphs 102 to 105 of its General Survey of 1979 on the abolition of forced labour, compulsory labour in any form, including compulsory prison labour, is covered by the 1957 Convention in so far as it is exacted as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

The Committee trusts that the necessary measures will be taken in respect of the above provisions to bring the legislation into conformity with the Convention and that the Government will supply information on the progress made in this regard and on a number of additional questions raised in this connection which are dealt with in a direct request addressed to the Government.

Article 1(b) of the Convention

2. Referring to its previous comments, the Committee notes the Government's statement in its report received in 1982 that there are at present no labour battalions for the purpose of economic development. The Committee hopes that the Government will indicate whether labour battalions have been definitively abolished or whether the use of conscripts for economic development purposes has been temporarily suspended, and that it will supply copies of any legislation, regulations or instructions adopted in this connection.

Algeria (ratification: 1969)

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

Article 1(a) of the Convention. In its report the Government states that there are no political prisoners in the country and that no prisoner is compelled to perform forced labour either as a means of labour discipline or as a punishment for having participated in a strike, let alone as a means of racial, national or religious discrimination, that no person who disagrees with national policy or expresses opinions to the contrary within the context of the political and social system of the country can be compelled to perform forced or compulsory labour, and that the work to which certain common offenders are assigned is organised in accordance with the law and geared to their future resumption of an active working life.

The Committee takes due note of this information. It recalls once again that section 2 of Ordinance No. 71-79 of 3 December 1971 on association, as amended by Ordinance No. 72-21 of 7 June 1972, provides that no association can lawfully exist or carry on its activities without the approval of the public authorities. Under sections 3 and 7 of the ordinance, such approval is to be refused or withdrawn from, in particular, any associations set up, directed or managed by persons who have engaged in "any activity contrary to the interests and objectives of the Socialist Revolution", and any associations "likely to be detrimental to the country's chosen political, economic, social and cultural policies". Under section 23, associations of a political character can only be formed by a decision of the higher organs of the Party. Under section 9, in conjunction with section 11, any person who sets up, directs, manages or belongs to an association that has not been approved and authorised by the public authorities or any association that is continued or re-formed after it has been dissolved, or any person who facilitates meetings of members of such an association by allowing them to use any premises at his disposal, is liable to a sentence of imprisonment

involving, under the Penal Administration and Re-education Code, the obligation to work.

The Committee further notes that sections 2 and 3 of the Interministerial Order of 26 June 1983 prescribing the procedure for the utilisation of prison labour by the National Agency for Educational Work provide that, unless exempted on medical grounds, convicted prisoners (the nature of the conviction not being specified) are required to perform useful work as part of their re-education, training and social development.

The Committee refers to paragraph 108 of its 1979 General Survey on the abolition of forced labour, in which it points out that while 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 taken part in a strike. Furthermore, as indicated by the Committee in paragraph 140 of its 1979 General Survey on the Abolition of Forced Labour, a divergency exists between the legislation and the Convention where all associations of a political nature other than a specified national movement or party are prohibited under pain of penalties involving compulsory labour.

Bearing in mind the indications given by the Government as to the real situation in the country and the philosophy of the Algerian Revolution, the Committee continues to hope that it will be possible to take appropriate measures to ensure compliance with the Convention both in law and in practice, either by amending the substantive provisions of Ordinance No.71-79 or by exempting from prison labour persons convicted of offences under this ordinance, or, more generally, offences of a political nature, who have not committed acts of violence.

Angola (ratification: 1976)

1. Article 1(c) and (d) of the Convention. The Committee notes with interest that section 169 of the General Labour Act of 24 August 1981 repeals the provisions of title II of Act No. 11/75 of 15 December 1975, under which sentences of imprisonment in a production camp could be inflicted on a worker for abandoning duty, which is considered to be a crime of passive resistance to work. It also notes the promulgation of Decree No. 88-A/81 of 7 November 1981 to issue rules concerning absences, issued under sections 122 and 123 of the General Labour Act; certain provisions of this Decree are the subject of a direct request.

2. The Committee previously noted that, under Part 1 of Act No. 11/75 of 15 December 1975 sentences of imprisonment in a production camp can be inflicted for various breaches of labour discipline, including failure to use the means of production, passive resistance to work, exceeding the time allowed to union committees and union delegates for performing union activities during working hours, the paralysis of work and strikes not called by the unions or workers' committees and any other acts seriously harmful to the production process, such as any bargaining on wages carried out in the face of the prohibition laid down by the Order of 30 June 1976 to suspend all

bargaining on wages. In the absence of a report from the Government, the Committee understands that the provisions of title I of Act No. 11/75 of 15 December 1975, as amended by Act No. 6/82 of 13 February 1982, providing for the imposition of penal sanctions involving compulsory labour for breaches of labour discipline and participation in strikes, remain in force. The Committee trusts that measures will be taken in the near future to bring the provision of title I of Act No. 11/75 into conformity with the provisions of Article 1(c) and (d) of the Convention and that the Government will shortly indicate the action taken for the purpose.

Argentina (ratification: 1960)

The Committee takes note of the report of the Government.

Article 1(a) of the Convention. With reference to its earlier comments concerning the provisions under which the constitutional guarantees were suspended, particularly the right to participate in political activities and the right to strike, the Committee notes with satisfaction that Decrees Nos. 6 and 9 of 24 March 1976 have been repealed by Decree No. 1984 of 8 August 1983 and Acts Nos. 21261 of 24 March 1976 and 21400 of 3 September 1976 have been repealed by Act No. 22825 of 3 June 1983.

Belgium (ratification: 1961)

The Committee notes the report of the Government.

Article 1 (c) of the Convention. In its earlier comments, the Committee noted that under sections 10, 22 and 25 to 28 of the Disciplinary and Penal Code for the Merchant Marine and the Fishing Fleet, penalties of imprisonment involving the obligation to work can be imposed for acts constituting breaches of labour discipline, and that a bill to amend these provisions did not entirely meet the requirements of the Convention. The Committee notes with interest that, in order to meet these requirements more fully, the text of the sections in question has been amended during negotiations with the social partners so as to punish henceforth with imprisonment only acts endangering the safety of the vessel or of persons on board. The Committee hopes that the Government will soon be able to indicate that these amendments have been adopted.

Burundi (ratification: 1963)

In its earlier comments, the Committee noted that certain provisions of Legislative Order No. 001/34 of 23 November 1966 respecting the single national party and Act No. 1/136 of 25 June 1976 on the press, as amended by Legislative Decree No 1/4 of 28 February 1977, placed restrictions on freedom of association and freedom of publication that are enforceable by imprisonment (involving the obligation to work under section 40 of Ministerial Order No. 100-325

of 15 November 1963 to organise the prison service) and are therefore incompatible 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 in its last report and in a statement made to the Conference Committee in 1983 indicates that the above-mentioned texts are no longer enforced and that no sentence has been imposed so far to restrict freedom to publish. The Government also states that the text to organise the prison service, involving the obligation of the prisoners to work, exists but has fallen into abeyance and that the new text (Decree No. 100/35 of 21 March 1977), which sets up a prison administration adapted to circumstances under the Ministry of Justice makes no provision for subjecting persons sentenced for political offences to prison labour. Lastly, the Government states that a comprehensive study of ill-adapted laws and regulations is in progress with a view to giving full effect to the provisions of the Convention.

The Committee takes due note of these indications. It observes that Decree No. 100/35 of 21 March 1977 respecting the establishment, organisation and operation of the system of prison administration and labour refers explicitly to Ministerial Order No. 100-325 of 15 November 1963, clarifying and amending certain details regarding its application, though without calling into question the principle set forth by section 40 of this Ministerial Order, under which an obligation to work is imposed on all those sentenced to imprisonment, whatever the grounds of their conviction. Referring to the statements of the Government that a comprehensive study has been undertaken with a view to examining laws and regulations that are no longer relevant and introducing new texts to give full effect to the Convention, the Committee trusts that measures will be adopted in the near future to ensure, both in law and in practice, the 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 acts coming under Article 1 of the Convention, and that the Government will indicate the measures taken.

The Committee hopes that this review will also cover a number of other texts that are relevant to the Convention and are the subject of a more detailed direct request to the Government.

Canada (ratification: 1959)

Article 1(c) and (d), of the Convention. In its previous comments, the Committee noted that under sections 242 (1), (a) and (b), and 247 (1), (b), (c) and (e), of the Canada Shipping Act, penalties of imprisonment involving compulsory labour may be imposed for breaches of labour discipline which do not endanger the safety of the ship or the life or health of persons onboard, and that sections 243 (1), 244 (2) and (4), 245 (1) and 246 (2) provide for the forcible return on board ship of deserters or those absent without leave. It also noted the corresponding provisions in the Government Vessels Discipline Act.

The Committee notes the Government's statement in its report that amendments to the Canada Shipping Act which will abolish the

provisions relating to compulsory labour from these sections are expected to be soon enacted. The Committee hopes these amendments will soon be adopted so as to repeal all legislation providing for the forcible return on board of deserters and for punishment with penalties of imprisonment, involving compulsory labour, of breaches of labour discipline which do not endanger the safety of the ship or the life or health of persons on board and that the Government will soon indicate the progress made in this connection.

Central African Republic (ratification: 1964)

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

Article 1(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 noted 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 noted with regret that in its 1982 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.

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

Chad (ratification: 1961)

The Committee takes note of the report of the Government and the information furnished to the Conference Committee. It observes, however, that no reply has been made to 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 in 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.

Colombia (ratification: 1963)

The Committee takes note of the Government's report.

In relation to its previous direct requests concerning Legislative Decree No. 2004 of 26 August 1977 (according to which the governors, administrators, commissioners and the mayor of the Special District of Bogotá could subject the instigators of work stoppages and strikes to a penalty of six months' arrest, when a state of siege was in force), the Committee notes with satisfaction the adoption of Decree No. 1674 of 9 June 1982 declaring public order to be re-established, lifting the state of siege throughout the national territory and rendering ineffective the decrees issued under article 121 of the National Constitution.

Cuba (ratification: 1958)

The Committee notes the Government's report.

Article 1(c) of the Convention. In its previous observations, the Committee referred to section 262 of the Penal Code, under which sentences of imprisonment, involving an obligation to work, may be imposed on a person who, by breach of the duties placed on him by his office, employment, occupation or profession in a state economic unit (particularly of his duties relating to the observance of the standards or standard-setting instructions and other rules and instructions concerning technological discipline), causes harm or substantial prejudice to the production output or to the rendering of services by the unit or to its equipment, machines, machinery, tools or other technical devices. The Committee had observed that this article was not limited to breaches of work discipline which impair or are liable to endanger the operation of essential services or which are committed in the exercise of essential services, or in circumstances in which life or health are in danger, and that the harm or prejudice which gives rise to the penalty involving an obligation to work is a consequence of the breach of duties imposed by virtue of the office, employment, occupation or profession; the said section is thus incompatible with the Convention.

The Committee notes the Government's statement in its report that section 262 of the Penal Code meets the requirement of protecting essential services, safety or the life or health of the population, referred to by the Committee in paragraph 110 of its General Survey of 1979 on the abolition of forced labour, with the distinction that the acts penalised by the Code extend beyond the framework of labour discipline and are considered offences under penal law.

The Committee observes that section 262 of the Penal Code deals with acts committed in the exercise of office, employment, occupation or profession in state economic units and not only with breaches which impair or may impair the operation of essential services, or the safety, life or health of the population. In addition, the Convention prohibits the resort to any type of forced or compulsory labour in cases of breaches of labour discipline, independently of whether they may be deemed to be penal offences by the national legislation.

The Commission recalls, moreover, that the offence of sabotage, dealt with in sections 109 and 110 of the Penal Code, refers specifically to the intention to cause harm, and thus falls outside the scope of application of the Convention.

The Committee again asks the Government to adopt appropriate measures to ensure that penalties which involve an obligation to work may not be imposed for breaches of labour discipline and to indicate any action taken in this regard.

At the same time, the Committee is addressing a direct request to the Government concerning a series of provisions of the Penal Code which are related to labour discipline or to freedom of expression, and concerning the legislation regarding the Youth Employment Army and the Social Service which provides for compulsory work for the purpose of economic development.

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

Djibouti (ratification: 1978)

The Committee notes with satisfaction the promulgation on 18 January 1982 of Act No. 212/AN/82 to repeal the Act of 17 December 1926 instituting the Disciplinary and Penal Code of the Merchant Marine, under which a sentence of imprisonment (involving compulsory prison labour) could be inflicted on a seaman in the event of irregular absence from the vessel or refusal to obey an order respecting the service.

The Committee asks the Government to supply the texts of any regulations that may be issued by the maritime authorities under sections 104 and 109 of Act No. 212/AN/82 and also the text of Act No. 199 of 24 October 1981 respecting national mobilisation.

Dominica (ratification: 1983)

Further to its earlier comments, the Committee notes with satisfaction that section 77 of the Industrial Relation Act, 1975, repealed the Trade Disputes (Arbitration and Inquiry) Ordinance, under which strikes and offences against labour discipline could be punished with imprisonment (involving by virtue of rule 59 of the Prison Rules, an obligation to perform labour) in circumstances falling within Article 1(c) and (d) of the Convention.

Dominican Republic (ratification: 1958)

Haitian workers employed on the sugar
plantations of the Dominican Republic

The Committee has noted the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the observance of various Conventions (including Conventions Nos. 29 and 105) with respect to the employment of Haitian workers on the sugar plantations of the Dominican Republic. It has also noted the information provided by the Government to the Governing Body in November 1983, and its statement that it accepted the recommendations of the Commission of Inquiry, subject to certain observations and with the exception of a few which, for reasons indicated, it was not able to put into effect for the moment.

In its report, the Commission of Inquiry concluded that there existed a number of practices which were contrary to the Conventions relating to forced labour, involving coercion in the assignment to state-owned sugar plantations of Haitian workers who had entered the Dominican Republic illegally, the retention on the plantations of Haitian workers resident there but who had no lawful residence status, and the forcible return to the plantations of Haitian workers who sought to leave them in the course of the harvest (paragraphs 436-437,

454-455 and 461-462). In the light of these findings, the Commission of Inquiry formulated a series of recommendations, as indicated below.

Paragraph 516 of the report of the Commission of Inquiry. The Commission of Inquiry recommended that the Government of the Dominican Republic should examine measures to stabilise, as far as possible, the labour force employed on the sugar plantations. The Government has indicated that a high-level official committee is considering measures for the improvement of living and working conditions on the plantations and for achieving full employment among sugar-cane workers. It has provided information on work already carried out on the state-owned plantations to improve housing and sanitary conditions.

The Committee would appreciate detailed information on the progress made in the adoption and execution of the various measures recommended by the Commission of Inquiry with a view to promoting the stabilisation of the labour force on the plantations, and on the extent to which these measures have led to such stabilisation.

Paragraph 517. The Commission of Inquiry recommended that, so long as recruiting of workers in Haiti was undertaken, the arrangements for their engagement and the principal conditions of employment should be regulated by an agreement concluded between the two States concerned. The Government indicated that it intended to start negotiations for this purpose. The Committee would appreciate information on the measures taken in this connection, and copies of all further agreements to regulate such recruiting which have been concluded, either by the Government of the Dominican Republic or by the State Sugar Board (including any supplementary documents fixing the details of application of these agreements).

The Committee also requests information on the number of workers recruited in Haiti for work in the 1983-84 sugar harvest, and on any changes introduced in the conditions of recruiting and employment of these workers as compared with practice in earlier years.

Paragraphs 518, 521 and 522. The Committee would appreciate information on the measures taken -

- (a) to give full publicity to all agreements and other documents governing the employment of Haitian workers on Dominican sugar plantations and to make such texts available, in a language which they can understand, to workers and other interested persons and organisations;
- (b) to provide to workers recruited in Haiti for work on sugar plantations individual contracts of employment and all necessary information on their conditions of employment, as indicated in paragraph 521;
- (c) to provide clear information on their conditions of employment to other Haitian workers on the sugar plantations, as recommended in paragraph 522.

Paragraph 519. The Committee would appreciate information on the measures taken to re-examine the amounts paid in respect of recruiting of workers in Haiti and to require clear proof of, and public accounting for, the actual expenses incurred. It notes the statement by the Government of the Dominican Republic that it could not verify the use made by the Government of Haiti of sums paid to it. It would however appear to be within the power of the Dominican authorities to obtain a clear indication of the expenses to be

reimbursed by them and, since these payments are intended to cover the cost of action by various Haitian government services, to require that the sums in question be accounted for accordingly.

Paragraph 520. The Committee notes the statement by the Government that it is absolutely prohibited for officials and employees of the State or a state enterprise who are involved in the recruiting of Haitian workers or who have any responsibilities relating to their employment to demand or receive any payments or other material advantages from the workers concerned. The Committee would appreciate an indication of the legal provisions laying down this prohibition, as well as information on measures for supervising and enforcing the prohibition.

Paragraph 523. The Committee notes the Government's statement that, starting with the 1983-84 sugar harvest, Haitian workers recruited for the harvest would be able to choose their place of work by agreement. The Committee would appreciate information on the actual arrangements made in this connection, and also on any measures taken to ensure that workers employed on the sugar plantations are not transferred to another employer without their consent and without full information on the conditions under which they will be employed.

Paragraph 524. The Committee would appreciate information on the measures taken to enable Haitian workers recruited for the sugar harvest to retain their passports during their stay and to grant them an authorisation of residence for the duration of their employment.

Paragraph 526. The Committee notes the Government's statement that the appropriate departments were studying the possibility of giving effect to the measures recommended by the Commission of Inquiry regarding the manner of engagement of Haitian workers who seek work in the sugar harvest otherwise than by recruitment in Haiti (placement offices, medical examination, documentation, transport). It would appreciate information on the measures adopted.

Paragraph 527. The Committee notes the Government's statement that a census of Haitian residents had been undertaken with a view to considering the regularisation of their situation, and that the Government approves the aim of regularising the status of those who have lived and worked in the country for a given period of time. The Committee would appreciate information on the action taken in this matter, including measures to issue identity documents to persons of Haitian origin born in the Dominican Republic.

Paragraph 528. The Committee notes the Government's statement that it is determined to prevent any kind of abuse of power by members of the armed forces and the police in respect of contracts of employment. It recalls the conclusion reached by the Commission of Inquiry that the military forces had taken an active role in locating and detaining Haitians entering the Dominican Republic illegally with a view to making their labour available to the state-owned plantations (paragraphs 454-455), and its finding that, in the northern region, there appeared to exist an organised atmosphere of repression on the part of the military, in concert with local employers, to keep Haitians on the plantations and to force them to work there under threat of expulsion (paragraph 462).

The Committee would accordingly appreciate information on the action taken to implement the recommendation made by the Commission of

Inquiry in this regard, namely, that a thorough study should be made, by persons of recognised standing and impartiality, of means of ensuring the protection of Haitian residents, whatever their status, against unlawful, arbitrary or oppressive conduct by members of the military forces and the police.

Paragraph 529. The Committee notes the Government's statement that the managers of sugar plantations are required to see that the contracts of employment of Haitian workers are respected, and that any cases of infringement of individual liberty can be brought before the courts. It recalls the finding by the Commission of Inquiry that, when Haitian workers tried to leave the plantation before the end of the harvest, they were liable to arrest and forcible return to their place of work (paragraphs 436, 454 and 460-461). The Committee would accordingly appreciate information on the penal provisions which would be applicable if managers of plantations or their agents sought to confine workers within the plantation or any part of the plantation, and on the measures which have been taken by the Government to ensure the enforcement of these penal provisions.

Paragraphs 544 and 545. The Committee notes the Government's intention to strengthen the inspection services of the Ministry of Labour. It would appreciate detailed information on the measures which have been taken to implement the recommendations made in this respect by the Commission of Inquiry, including particulars of the nature and results of the activities of the inspection services in regard to conditions of Haitian workers on the sugar plantations.

The Committee would also appreciate information on any inspection activities carried out on the plantations by representatives of the Haitian authorities, including particulars of complaints or irregularities brought to the attention of the Dominican authorities by the Haitian Government or its agents.

Lastly, the Committee requests the Government to indicate any measures which have been taken, at least on the state-owned plantations, for the designation by Haitian workers of representatives able to take up with management, day-to-day problems and to exercise defined responsibilities in defending the workers' interests.

Paragraph 548. The Committee notes with interest the establishment in April 1983 of a tripartite National Employment Committee. It would appreciate information on the work undertaken by this committee in relation to matters arising out of the recommendations of the Commission of Inquiry, and on any resulting action.

Article 1(c) of the Convention. In previous comments, the Committee had pointed out that, under Act No. 3143 of 11 December 1951 (amended by Act No. 5224 of 1959), sentences of imprisonment, involving compulsory labour, might be imposed on persons who failed to complete a task by the agreed date or within the period allowed for carrying it out, when payment had been made in advance. The Government had stated that the penalties of imprisonment laid down by this Act had been established to punish swindlers who obtained advances without fulfilling their obligations by performing the work promised. The Committee had observed, however, that under section 3 of the Act fraudulent intent was proved by non-execution of the work within the agreed time or the time necessary to carry it out, except

in duly proven cases of emergency or where non-receipt of the cost of the work had prevented the due fulfilment of the obligations. The Committee had also noted the Government's statement that the possibility of revising these provisions would be taken into account in connection with the revision of the Labour Code.

The Committee notes that the Government's last report contains no information on this question. It hopes that measures will be adopted in the near future concerning Act No. 3143 of 1951 in order to ensure that sentences involving compulsory labour cannot be imposed as a means of labour discipline.

Article 1(d) of the Convention. In previous comments, the Committee had referred to sections 370, 373, 374, 678(16) and 679(3) of the Labour Code, by virtue of which sentences of imprisonment, involving compulsory labour, may be imposed for participation in strikes. The Government had stated that these sections would be replaced in the proposed revision of the Labour Code. The Committee notes that the Government's last report contains no information on this matter. It hopes that the necessary changes in the above-mentioned provisions of the Labour Code will be adopted in the near future.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.]

Ecuador (ratification: 1962)

The Committee notes the Government's report.

1. In the comments it has been making for some years, the Committee has referred to certain provisions under which the imposition of prison sentences involving forced labour may be imposed as a means of labour discipline or as a punishment for participation in strikes. The provisions referred to are section 367 (paragraph 2) of the Penal Code, relating to the defacing or deterioration of goods or materials or the instruments for the manufacture thereof; Decree No. 105 of 1967 which punishes incitement to collective work stoppages and the participation therein and section 466 (paragraph 1) of the Labour Code which enables labour inspectors to submit collective disputes to compulsory arbitration, thus giving rise, in case of strike, to the possibility of applying Decree No. 105.

The Committee notes the Government's statement in its previous report that a draft decree was being prepared to repeal section 66 of the Penal Code which provides for compulsory labour in penal detention and correctional prison establishments. The Committee, however, observes that this would not suffice to prevent the imposition of penalties involving compulsory labour on persons convicted under the above-mentioned provisions, since prison sentences would continue to involve an obligation to work under section 55 of that same Code.

As no further information on this matter is available from the Government's last report, the Committee again expresses the hope that the Government will re-examine national legislation in the light of the Convention and that it will adopt appropriate measures in order that no penalty involving compulsory labour may be imposed for

breaches of labour discipline or participation in a strike. The Committee hopes that the Government will indicate the action taken to this end and the results obtained.

2. The Committee has, in recent years, commented on section 165 of the Maritime Police Code which prohibits crew members of an Ecuadorian ship from disembarking in any port other than the port of embarkation except with the agreement of the captain; it also provides that if a crew member deserts he shall forfeit his pay and pack to the vessel, and if he is captured he shall pay the cost of his arrest and be punished pursuant to naval regulations in force.

The Committee notes with interest the Government's statement in its report that it would be advisable to amend this provision to bring it into conformity with the Convention. The Government proposes tabling an amendment to section 165 of the Maritime Police Code so as to insert, *inter alia*, the following four conditions: a minimum eight-day period of written notice; the requirement that the safety of the ship, crew, passengers or cargo should not be put at risk; the requirement that it should be impossible for the crew member to wait for the return of the ship to the port of embarkation, and the physical and legal possibility of replacing the crew member in question.

The Committee notes that a reasonable period of notice, as envisaged by the Government, for a request to disembark made in the absence of a cause recognised by law, and the requirement that the safety of the ship or the life or health of the persons aboard are not endangered, are requirements compatible with the Convention, as the Commission recalled in paragraphs 67 to 69 and 117 of its 1979 General Survey on the Abolition of Forced Labour. However, to subject the disembarkation of a crew member to the consideration as to whether or not he is in a position to await the return of the ship to the port of embarkation, or whether that crew member can be replaced, is likely to impinge on the freedom of the worker to leave his employment as guaranteed by the Convention where there is no danger to the safety of the ship or the life or health of persons.

The Committee hopes that section 165 of the Maritime Police Code will be brought into line with the Convention in the near future, and that the Government will indicate measures taken to that end.

Egypt (ratification: 1958)

1. Further to its previous comments, the Committee notes with interest from the Government's report that Act No. 162 of 1958 and Decree No. 1174 of 27 September 1958, both concerning the state of emergency, have been repealed by the decision of the President of the Republic on the lifting of the state of emergency, No. 207 of 1980.

2. In previous comments, the Committee referred to section 7 of Legislative Decree No. 2 of 1977 punishing with hard labour for life all wage earners who intentionally stop work together, if the strike endangers the national economy. The Committee notes with interest the indication in the Government's report that repeal of this text has been approved by the legislature. The Committee hopes that a copy of the repealing legislation will be supplied by the Government.

3. In its previous comments, the Committee also referred to a number of provisions of the Penal Code and other enactments punishing persons with imprisonment involving compulsory labour for activities falling within the scope of Article 1(a) and (d) of the Convention. The Committee has noted the repeated indications by the Government that political prisoners are not obliged to work but may work if they so request and will in that case be remunerated. Furthermore, the Government has indicated that it has begun to re-examine the various texts referred to. The Committee hopes that the Government will soon be able to supply further details on the legislative revision in question and that it will also provide copies of any enactment granting political prisoners a particular status exempting them from the obligation to perform labour. The Committee is also addressing a direct request to the Government in this connection.

El Salvador (ratification: 1958)

The Committee notes the report of the Government.

1. The Committee notes with satisfaction that the Act respecting the defence and guarantee of public order, under which restrictions could be placed on freedom of expression and the peaceful exercise of the right to strike on pain of imprisonment, involving compulsory labour, has been repealed by Decree No. 142 of 27 February 1979.

2. Article 1(a) of the Convention. In earlier comments the Committee had noted the following sections of the Penal Code, under which penalties of imprisonment may be imposed for activities in relation to the expression of political opinions or of opposition to the established system: section 376, subsection 2, on associations aimed at teaching, disseminating or propagating doctrines that are anarchistic or contrary to democracy; section 378, punishing those disseminating or propagating doctrines that are anarchistic or contrary to democracy; section 380, subsections 1 and 2, concerning those who participate in the performance of acts to disseminate or propagate doctrines that are anarchistic or contrary to democracy and, in so far as it applies in relation to the foregoing provisions, section 407, on participation in associations existing for the purpose of committing an offence.

The Committee notes the statement by the Government in its report that the legislation does not provide for the imposition of sentences of imprisonment with forced labour. The Committee however recalls that prisoners are compelled to work. It therefore asks the Government to indicate the measures adopted or under consideration to amend the above-mentioned legislative provisions so that no penalty involving the obligation to work can be imposed for the expression of political opinions or of opposition to the established order, in accordance with the Convention.

3. In its earlier comments the Committee referred to section 377 of the Penal Code, under which penalties of imprisonment may be imposed on any person who promotes, establishes, organises or directs sections or branches of foreign organisations or bodies advocating doctrines that are anarchistic or contrary to democracy and on those

taking part in such sections or branches. In order to assess the scope of this provision, the Committee again asks the Government to provide detailed information on its application in practice, including the number of convictions pronounced in the last three years, the criteria applied by the courts and copies of relevant court decisions.

4. Article 1(c) and (d) of the Convention. The Committee has for some years been referring to section 291 of the Penal Code, under which penalties of imprisonment may be imposed on any person who, without creating a situation of public danger, prevents, hinders, or paralyzes the functioning of any class of transport or public utility service, and on any workers in a public utility undertaking or service who stop or suspend the service without just cause, so as to disturb its regular operation. Under this provision restrictions can be imposed on the peaceful exercise of the right to strike and infringements of labour discipline can be punished beyond the range of essential posts, functions or services whose interruption might endanger the life, personal safety or health of the whole or part of the population.

The Committee notes the statement by the Government in its report that penal legislation does not provide for the imposition of sentences of imprisonment with forced labour. The Committee observes, however, that under section 49 of the Act respecting the system of penal and rehabilitation Centres (Decree No. 427 of 1973), prisoners, except those detained pending trial, are compelled to work.

The Committee hopes that the necessary steps will be taken to amend the legislation, so as to bring it into conformity with the Convention, and that the Government will indicate the measures taken to this effect. The Committee asks the Government to provide detailed information on the application of section 291 of the Penal Code, with an indication of the number of sentences pronounced during the past three years, the criteria applied by the courts and copies of relevant court decisions.

Gabon (ratification: 1961)

Article 1 (c) and (d) of the Convention. In its earlier comments, the Committee noted that under section 153, subsections 1, 4, 5 and 9 (in conjunction with section 156), and sections 169, 186 and 188 of the Merchant Shipping Code (Act No. 10/63 of 12 January 1963), certain breaches of discipline by seamen are punishable with imprisonment, involving the obligation to perform labour, by virtue of Act No. 55/59 of 15 December 1959 concerning the organisation of the prison services and the penitentiary system, as amended.

The Committee notes the statement made to the Conference Committee in 1983 by a representative of the Government that the ministries concerned will be called upon to revise and update Act No. 10/63 of 12 January 1963 to issue the Merchant Shipping Code and Act No. 55/59 concerning the organisation of the prison services and penitentiary system. The Committee again expresses the hope that the draft texts in question will ensure that penalties of imprisonment (involving the obligation to work) may no longer be inflicted on seamen for breaches of discipline that do not endanger the safety of

the vessel or of persons and that the Government will shortly indicate that the legislation has been so amended.

Greece (ratification: 1962)

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

1. Article 1, (c) and (d), of the Convention. In its comments made over many years the Committee noted that sections 4, 6 (1), 7, 9 (1) and 21 of the Penal and Disciplinary Code of the Merchant Marine, and the identical provisions of sections 205, 207 (1), 208, 210 (1) and 222 of the Code of Public Maritime Law (Legislative Decree No. 187, 1973), concerning unjustified absence from the vessel during service or when the vessel is abroad, disobedience of an order and refusal to carry out orders abroad, provide for penalties of imprisonment (involving, under section 55 of the Prison Code, 1967, compulsory prison labour) to be imposed on seamen for breaches of labour discipline which do not endanger the safety of the ship or the lives or health of persons on board. The Committee noted that similar breaches of discipline which however do endanger the safety of the vessel and the lives and health of passengers are covered by sections 206, 209 and 210 (2) of the Code of Public Maritime Law, which are compatible with the Convention.

The Committee notes that the Government in its report only refers to the latter provisions. It again expresses the hope that the necessary measures will shortly be taken to bring sections 205, 207 (1), 208, 210 (1) and 222 of the Code of Public Maritime Law providing for penalties of imprisonment (involving, under section 55 of the Prison Code, compulsory prison labour) into conformity with the Convention and that the Government will indicate the action taken.

2. In its earlier comments, the Committee referred to section 4, subsection 1, of Act No. 3276/1944 of 26 June 1944, respecting collective bargaining in the Merchant Marine, and section 15 of Act No. 299 of 25 October 1936, respecting collective labour disputes in shipping, under which sentences of imprisonment, involving, under section 55 of the Prison Code, compulsory prison labour, could be imposed on seamen for various cases of disobedience. The Committee noted from the information supplied by the Government to the Committee on Freedom of Association of the Governing Body of the ILO that the reform of the Laws relating to collective agreements in the maritime sector was under study and it expressed the hope that the new legislation would formally repeal these provisions.

The Committee notes the Government's statement in its report that at present it is considered inopportune to modify the provisions of Act No. 299 of 25 October 1936, which are included in the Code of Public Maritime Law. The Government states in its report that sanctions in cases of disobedience would only be applied in such cases as endangered the safety of the vessel or crew or passengers. The Government adds that the Act cannot be modified at present and, in view of the existence of provisions it considers compatible with those in force internationally, their repeal is not considered expedient.

The Committee takes due note of these indications. It recalls that section 15 of Act No. 299 of 25 October 1936 concerns violations of executory decisions concerning pay, while section 4, subsection 1 of Act No. 3276 of 26 June 1944, concerns violations of a clause of a collective agreement or the refusal to implement an order from the competent authority regarding the application of the collective agreement, or a decision of an arbitration commission established by collective agreement, and that these violations are punishable with penalties of imprisonment involving, under Act No. 55 of the Prison Code, compulsory prison labour. Referring to the explanations provided in paragraphs 110 to 117 of the 1979 General Survey on the abolition of forced labour, the Committee observes that the provisions of section 15 of Act No. 299 of 25 October 1936 and section 4, subsection 1, of Act No. 3276 of 26 June 1944 are incompatible with the Convention because they impose penalties involving compulsory labour for the acts and omissions listed above, without any restriction to cases where the safety of the vessel or the lives and safety of persons are endangered. The Committee hopes the Government will take the necessary measures to bring these provisions into conformity with the Convention and will indicate the action taken in this respect.

Guatemala (ratification: 1959)

The Committee notes the information supplied in the Government's report in reply to previous comments.

Prison labour

1. In comments it has been making for several years, the Committee observed that by virtue of various legislative provisions, penalties of imprisonment, involving the obligation to work, may be imposed as a means of political coercion or education or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system, as a means of labour discipline or as a punishment for having participated in strikes. The Committee had noted repeated statements by the Government that the Supreme Court of Justice had been requested to take these comments into account and prepare such draft legislation as it considered appropriate.

The Committee now notes that, according to the opinion expressed by a member of the Supreme Court of Justice, the national laws mentioned in the Committee's earlier comments are not incompatible with the Convention, since they do not prescribe forced labour or "penal" labour, that is, labour exacted as a degrading punishment, intended to inflict upon the offender suffering, hardship, anguish and pain or even bring about his death; the labour required under sections 47 and 48 of the Penal Code is in conformity with modern trends in prison labour in that it is imposed not as an additional punishment but as a redeeming activity the purpose of which is the re-education and rehabilitation of prisoners, and as a result the law now provides for sentences to be served partly in the form of

labour. The Committee also takes note of section 23(16) of the Fundamental Statute of Government (Legislative Decree No. 24-82 of 27 April 1982, as amended by Legislative Decrees Nos. 36-82 of 9 June 1982, 87-83 of 8 August 1983 and 91-83 of 11 August 1983), which provides, inter alia, that no person detained in custody or in prison may be compelled to perform work prejudicial to his health or unsuited to his physical condition or unbefitting human dignity.

The Committee wishes to point out, as it did in paragraphs 102 to 109 of its 1979 General Survey on the abolition of forced labour, that States which ratify Convention No. 105 undertake to abolish forced or compulsory labour, including labour of the kind usually exacted as a consequence of a conviction in a court of law even if the work is not particularly arduous or oppressive, in the specific cases mentioned in Article 1 of the Convention. The Convention does not recognise any need to reform or rehabilitate through labour prisoners convicted for their opinions or for having committed a breach of labour discipline or taken part in a strike. In the case of persons convicted for expressing certain political views, an intention to reform them would be contrary to the express terms of the Convention, which applies inter alia to any form of compulsory labour as a means of political education.

The Committee accordingly requests the Government to take appropriate steps to ensure that the persons protected by the Convention are not liable to penalties involving the obligation to work.

Article 1(a) of the Convention

2. Further to its previous comments, the Committee takes note of the repeal of the Electoral and Political Parties Act (Legislative Decree No. 387 of 26 October 1965) by section 112 of the Fundamental Statute of Government, and the adoption of the Political Organisations Act (Legislative Decree No. 32-83 of 24 March 1983).

3. The Committee notes that section 23(6) of the Fundamental Statute of Government prohibits without exception the organisation and functioning of groups, associations or bodies acting in accordance with, or obedience to, any totalitarian system or ideology, or undermining in any way the principles and methods of a pluralist democracy. Similarly, the Committee has been pointing out in its comments for some years that under section 396 of the Penal Code a sentence of imprisonment, involving the obligation to work, may be imposed on any person promoting the organisation or functioning of associations allied with or subservient to or taking part in, international bodies propounding the communist ideology or that any other totalitarian system, and has been asking the Government to take the necessary steps in respect of the provision in question to ensure compliance with this Article of the Convention.

The Committee points out, as it did in paragraph 133 of its 1979 General Survey on the abolition of forced labour, that the Convention prohibits the use of forced or compulsory labour as a means of political coercion; this includes measures affecting the exercise by every individual of generally recognised rights, such as the right of association and of assembly, through which citizens seek to secure the

dissemination and acceptance of their views and the adoption of policies and laws reflecting them. In the light of these considerations, the Committee once again requests the Government once again to take the necessary steps with regard to the aforementioned provisions to ensure that no penalty involving an obligation to work may be imposed as a means of political coercion and to indicate the progress made in this connection.

4. In comments made for a number of years the Committee has noted that under Legislative Decree No. 9 of 10 April 1963, penalties of imprisonment, involving the obligation to work, may be imposed on:

- (a) persons who participate in the organisation or functioning of bodies propounding the communist ideology within the national territory, or maintaining links with countries in the communist bloc, or who belong to or enrol in communist parties or groups associated with such parties (sections 2 and 3, read in conjunction with section 7);
- (b) persons who make communist propaganda or act as agents of international communist organisations (sections 4, 5 and 6(2)).

The Committee has requested that the necessary steps be taken to amend this legislation to meet the requirements of the Convention.

The Committee takes note of the opinion expressed by a member of the Supreme Court of Justice that the penalties and offences provided for in Legislative Decree No. 9 of 10 April 1963 have been replaced by those specified in the Penal Code. It notes, however, that the final fourth provision of the Penal Code explicitly provides for the penal laws and the penal provisions in special laws to remain in force as concerns all matters not specifically mentioned in the Code, and that the aforementioned provisions of Legislative Decree No. 9 of 10 April 1963 actually supplement section 396 of the Penal Code.

Having regard, however, to the opinion quoted by the Government, the Committee trusts that the necessary steps may be taken shortly to repeal Legislative Decree No. 9 of 10 April 1963, and requests the Government to indicate the measures taken to this end.

Article 1(b)

5. In previous comments the Committee has been requesting the Government for some years to supply information about the Vagrancy Act, adopted by Congressional Decree No. 118 of 23 May 1945; section 2 of the Act declares to be vagrants, and accordingly liable to imprisonment, *inter alia*, persons owning or occupying rural land who do not obtain from such land, sufficient produce for their subsistence and that of their families, unless they can show proof that they derive means of subsistence from other work, and peasants who do not habitually work, that is, grow crops by their personal efforts for their own use or for the use of others in quantities consistent with their physical aptitudes and the local conditions.

The Committee notes that while referring to this Act, the opinion appended to the Government's report does not state it to have been repealed, and rather conveys the conclusion that it is still in force. In these circumstances, the Committee hopes the necessary steps will be taken to bring the Vagrancy Act into conformity with the Convention and that the Government will indicate the measures adopted

to this end. The Committee further requests the Government to supply detailed information on the practical application of the Vagrancy Act, and in particular the number and nature of the sentences pronounced under the Act during the past three years.

6. In its previous comments the Committee took note of section 87, subsection 5, of the Penal Code, which defines a vagrant as one who, although able to undertake paid work, remains habitually unemployed and lives on the work of others, or by begging, or without visible means of support, and section 93 of the same Code, under which persons convicted of vagrancy are liable to work on a farm or in an industrial or other undertaking. The Committee has pointed out the need to define vagrancy in narrower terms, so as to ensure that these provisions cannot be applied in a manner contrary to the Convention.

The Committee notes that in the opinion of a member of the Supreme Court of Justice, it should be borne in mind that section 93 of the Penal Code prescribes a security measure which, as such, is not intended as a punishment, but as treatment of an educational and preventive nature, based on the idea of "learning through working".

The Committee refers to the explanations provided in paragraphs 45 to 48 of its 1979 General Survey on the abolition of forced labour, where it indicated that legislation requiring all able-bodied citizens to engage in gainful employment, on penalty of imprisonment, is incompatible with the Convention, and that legislation defining vagrancy and similar offences in an unduly extensive manner are liable to become a means of direct or indirect compulsion to work and should therefore be amended to bring them into line with a narrower conception of vagrancy. The Committee accordingly hopes that section 87 of the Penal Code will be re-examined with a view to defining vagrancy in narrower terms, so that penalties can be imposed on this ground only on persons who not only habitually refrain from working and lack any legal means of subsistence, but also disturb public order, and that the Government will indicate the measures taken or envisaged to this effect.

Article 1(c) and (d)

7. In previous comments the Committee noted the fact that any public servant or public employee refusing to perform one of his duties (section 419 of the Penal Code), or any person who, inter alia, commits acts intended to paralyse or disrupt undertakings which contribute to the country's economic development, with the purpose of impairing national production or important public services (section 390, subsection 2, of the Penal Code), will be liable to imprisonment, involving the obligation to work (sections 47 and 48 of the Penal Code). In the absence of any information on this point in the Government's report, the Committee again requests the Government to indicate the measures taken or envisaged in respect of these provisions in order to guarantee, in conformity with Article 1(c) and (d) of the Convention, that use may not be made of any form of forced or compulsory labour, including compulsory prison labour, as a means of labour discipline or as a punishment for having participated in strikes.

Article 1(d)

8. In previous comments the Committee noted the fact that under section 430 of the Penal Code, public servants, public employees and employees or clerks of public service undertakings who concertedly abandon their responsibilities, work or service are liable to imprisonment, involving the obligation to work. The Committee requested the Government to supply the text of any legislation or court decisions making it possible to assess the scope of the terms "public employees" and "public service undertakings". The Committee notes in this connection that section 57 of the Fundamental Statute of Government declares strikes by workers in the services of the State to be prohibited and a punishable offence.

The Committee draws attention to paragraph 123 of its 1979 General Survey on the abolition of forced labour, in which it states that it is not incompatible with the Convention to impose penalties (even involving an obligation to perform labour) for participation in strikes in the public service or in other essential services, provided that such provisions are applicable only to essential services in the strict sense of the term.

Noting that the Government's report contains no reply on this point, the Committee once again expresses the hope that the necessary steps be taken to ensure the observance of the Convention in this regard and that the Government will supply information on the progress made towards this end and on the practical application of section 430 of the Penal Code during the past three years.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.]

Guinea (ratification: 1961)

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

Article 1(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.

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.

Haiti (ratification: 1958)

The Committee has noted the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the observance of various Conventions (including Conventions Nos. 29 and 105) with respect to the employment of Haitian workers on the sugar plantations of the Dominican Republic. The Committee has also noted the information provided by the Government to the Governing Body in November 1983, in which it indicated its agreement in principle with most of the recommendations made by the Commission of Inquiry, especially as regards the improvement of the conditions of the workers concerned.

In its report, the Commission of Inquiry examined in particular the position of Haitian workers recruited for work in the sugar harvest on the state-owned plantations of the Dominican Republic under contracts concluded between the Government of Haiti and the State Sugar Board of the Dominican Republic. The Commission of Inquiry concluded that the workers recruited under these contracts voluntarily sought such employment (paragraph 430 of the report). It found, however, that when Haitian workers recruited for the sugar harvest left the plantation to which they had been assigned before the end of the harvest, the action taken by the employer and the authorities, frequently consisted of forcible return of the workers to their place of work (paragraph 436). The Commission of Inquiry indicated that this practice was incompatible with Article 1(c) of Convention No. 105 (paragraph 437). It further concluded that, not only the Government of the Dominican Republic, but also the Government of Haiti had failed to secure the effective observance of this Convention, for the following reasons: the Government of Haiti was aware of the constraints which kept the workers at their workplace and could have taken action to have this situation corrected, but had failed to ensure that its nationals were treated in accordance with the standards laid down in the Convention; moreover, the Government of Haiti was associated with the measures through which workers were obliged to remain at their workplace as a result of arrangements for the removal from the workers of their passports for the duration of their employment, and it had derived substantial financial benefit from those measures (paragraphs 438 to 444).

In the light of these conclusions, the Commission of Inquiry formulated a series of recommendations, as indicated below.

Paragraph 517 of the report of the Commission of Inquiry. The Commission of Inquiry recommended that, so long as recruiting of workers in Haiti for work in the Dominican sugar harvest was undertaken, the arrangements for their engagement and the principal conditions of employment should be regulated by an agreement concluded between the two States concerned. The Committee notes the Government's statement that it considers it necessary for the two Governments to conclude a bilateral agreement, to take effect as from 1984-85, in order to regulate the various matters arising from the comments of the Commission of Inquiry. It would appreciate information on the measures taken in this connection, and copies of all further agreements for recruiting of Haitian workers which have been concluded, either with the Government of the Dominican Republic

or with the State Sugar Board (including any supplementary documents fixing the details of application of these agreements).

The Committee also requests information on the number of workers recruited in Haiti for work in the Dominican Republic during the 1983-84 sugar harvest, and on any changes introduced in the conditions of recruiting and employment of these workers as compared with practice in earlier years.

Paragraph 518. The Commission of Inquiry recommended that full publicity should be given to the inter-State agreement relating to recruiting of Haitian workers and to any supplementary terms governing its application in particular harvests, both in Haiti and in the Dominican Republic, and that the texts in question should be freely available, in a language which they can understand, to all those having an interest in the matter, including prospective recruits, trade unions, other organisations concerned with the welfare of the workers concerned, the press, and the legal profession. The Committee notes the Government's statement that it had no objection to giving the requisite publicity to the texts in question. It would appreciate information on the measures which have been taken for this purpose, including measures to make the texts available in Creole.

Paragraph 519. The Commission of Inquiry recommended that the two Governments concerned should, before the 1983-84 sugar harvest, re-examine the amounts of payments to be made to the Government of Haiti already agreed upon, that the sum to be paid on account of recruiting expenses should be recalculated on the basis of a close examination of the actual costs incurred, and that any sums paid in future should be subject to clear proof of actual expenditure and should be accounted for in the public accounts of the Government of Haiti. The Committee would appreciate information on the measures taken to give effect to these recommendations.

Paragraph 520. The Commission of Inquiry recommended that officials and employees of the State who are involved in recruiting of Haitian workers for the Dominican sugar plantations or have any responsibilities relating to their employment should be prohibited from receiving any payments or other material advantages from the workers concerned. The Government has referred in this connection to the provisions of section 147 of the Labour Code. The Committee observes that this section prohibits deductions from wages for the purpose of obtaining or retaining employment, and therefore would not apply to direct payments of the kind mentioned by the Commission of Inquiry in paragraph 430 of its report. The Committee would appreciate further information on the measures taken to lay down the prohibition recommended by the Commission of Inquiry and to ensure compliance therewith.

Paragraph 521. The Committee would appreciate information on the measures taken with a view to ensuring that Haitian workers recruited for work on the Dominican sugar plantations receive individual contracts of employment and all necessary information on their conditions of employment, as recommended by the Commission of Inquiry, including Creole translations of all the documents concerned.

Paragraph 524. The Committee notes the Government's statement that it intended to take measures to ensure that Haitian workers recruited for work in the Dominican Republic are able to keep their

passports. It would appreciate information on the action taken to this end.

Paragraphs 544 and 545. The Committee notes the Government's statement that it intended to approach the Government of the Dominican Republic to ensure that the services responsible for supervising working conditions and social security fulfil their obligations and guarantee to Haitian workers the protection to which they are entitled, and that the Government also intended to make use of its right to send periodically, commissions to inquire into the conditions of the workers concerned. The Committee would appreciate information on the measures which have been taken in this connection and on the results obtained, including particulars of any complaints or irregularities brought to the attention of the Dominican authorities by the Haitian Government or its agents.

[The Government is asked to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.].

Ireland (ratification: 1958)

Article 1(c) and (d) of the Convention. In previous comments the Committee noted that under sections 221 and 225(1)(b) and (c) of the Merchant Shipping Act, 1894, certain disciplinary offences by seamen are punishable with imprisonment (involving an obligation to work), and that under sections 222, 224 and 238 of the same Act, seamen absent without leave may be forcibly conveyed on board ship. The Committee also pointed out that section 16 of the Conspiracy and Protection of Property Act, 1875, deprives seamen of immunity from criminal liability for conspiracy in respect of acts in contemplation of or furtherance of trade disputes, and that under section 225(1)(e) of the 1894 Act it is an offence, punishable by imprisonment (involving an obligation to work), for seamen to combine to disobey lawful commands or to neglect duty.

The Committee notes that in the information communicated to the Conference Committee in 1982 the Government stated that these provisions were outdated, the conditions of employment of seamen being largely governed by negotiation and collective agreements between the social partners, and that the Merchant Shipping Act and related legislation would be amended and the sections deemed to be contrary to the Convention expunged as soon as possible.

Recalling that the provisions in question have been the subject of comment for some years, the Committee trusts that the Government will shortly be in a position to indicate what measures have been taken to ensure compliance with the Convention on this point.

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

Kenya (ratification: 1964)

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

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 noted from the Government report for 1979-81 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.

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

Libyan Arab Jamahiriya (ratification: 1961)

Article 1(a), (c) and (d) of the Convention. In direct requests made over a number of years, the Committee noted that penalties of imprisonment (involving, under section 24(1) of the Penal Code, an obligation to perform prison labour) may be imposed under various provisions of the Publications Act of 1972 and the Penal Code. Such penalties may be imposed, *inter alia*, for questioning in a publication, the objectives and principles of the revolution, for setting up a printing house without having obtained an authorisation - which appears to be left to the discretion of the administrative authorities - and for various breaches of labour discipline by public officials and employees of public institutions. The Committee had asked the Government to indicate the measures taken or contemplated to ensure the observance of the Convention in these regards. It had also asked for information on the practical application of a number of provisions of the Publications Act and the Penal Code and for copies of orders, laws and regulations concerning the protection of the revolution, the trial of those responsible for political corruption, and the establishment, functioning and dissolution of associations and political parties.

The Committee notes from the Government's report, that the observations of the Committee of Experts on the Application of

Conventions and Recommendations were sent to the authorities responsible for amending the legislation. The Committee hopes that measures necessary to ensure conformity with the Convention will be undertaken in the near future and that the Government will report on progress made in this respect and supply the requested information and texts.

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

Malaysia (ratification: 1958)

The Committee notes the Government's statement in its report that it shall re-examine the position with regard to observance of the Convention and shall provide information in due course. The Committee hopes that the necessary measures will soon be taken with regard to the following points raised in its previous observation:

1. Article 1(a) of the Convention. In its previous observations, the Committee had commented on various provisions of the Internal Security Act, 1960, the States of Malaya Restrictive Residence Ordinance (Cap. 39), the Sabah Undesirable Publications Act (Cap. 151), the States of Malaya Printing Presses Ordinance, 1948, as amended, the Sabah Printing Presses Ordinance (Cap. 107) and the Societies Act, 1966, which grant administrative authorities discretionary powers to make orders imposing restrictions or prohibitions on the exercise of the rights of expression and political activities, and which provide that contraventions thereof shall be punishable with imprisonment involving (by virtue of section 52 of the Prisons Ordinance) an obligation to perform labour.

The Committee pointed out that the Convention does not prevent the punishment by penalties involving compulsory labour of persons who incite to violence or racial hatred, or engage in violence or preparatory acts aimed at violence, nor the imposition by judicial process of certain disabilities on persons who have been convicted of offences of this nature. However, the imposition of such penalties not for the commission of defined offences of the above-mentioned nature but as a means of preventing the participation of certain persons in the normal political processes, including the advocacy of political and ideological views, contravenes the provisions of Article 1(a) of the Convention, which prohibit any form of forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

The Committee again expresses the hope that the Government will take appropriate action (either in relation to the substantive provisions themselves or in relation to the penalties applicable to them) to ensure the full observance of the Convention.

2. Article 1(c) and (d). The Government previously indicated that a new Merchant Shipping Bill was being prepared which will remove the provisions of the Malayan Merchant Shipping Ordinance, 1952, and the Sabah and Sarawak Merchant Shipping Ordinance, 1960, which impose penalties involving compulsory labour on seamen for various breaches

of discipline and forcible return to ship in case of abandonment of service. The Committee again expresses the hope that the new legislation will be adopted and that the Government will indicate the action taken.

3. Article 1(d). In its previous observation, the Committee referred to the provisions of the Industrial Relations Act, 1967, as amended in 1975, under which the competent minister may impose compulsory arbitration in respect of any trade dispute if he is satisfied that it is expedient to do so (section 26), thereby rendering any strike action illegal (section 44(b) and (d)) and punishable with imprisonment, involving an obligation to work (sections 46 and 47).

While noting the sparing use which had been made of the above-mentioned provisions of the Industrial Relations Act, 1967, the Committee observed that they enable the Minister to prevent or to put an end at any time to strike action, not only in essential services but in respect of any trade dispute, thereby exposing the workers concerned to penal sanctions involving an obligation to perform labour. In the absence of further information on this subject in the Government's report, the Committee again expresses the hope that the Government will re-examine the position with a view to ensuring the full observance of Article 1(d) of the Convention, and that it will supply information on any measures taken or contemplated.

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

Malta (ratification: 1965)

Article 1(c) and (d) of the Convention. In comments made for a number of years, the Committee noted that sections 171 and 173(I)(b), (c) and (e) of the 1973 Merchant Shipping Act provide for certain disciplinary offences by seamen to be punished by imprisonment, involving by virtue of the Prisons Regulations, the obligation to perform labour, and that under sections 172 and 183 of the same Act seamen may be forcibly returned on board ship to perform their duties.

Recalling the Government's statements in earlier reports that these provisions were not in practice resorted to and were to be repealed under draft legislation, the Committee hopes that the Government will soon be able to indicate that the necessary measures have been taken to bring the Merchant Shipping Act into conformity with the Convention.

Mauritius (ratification: 1969)

The Committee previously noted that sections 82 and 83 of the Industrial Relations Act, 1973, empower the Minister to refer any industrial dispute to compulsory arbitration, enforceable by penalties involving compulsory labour, and pointed out that these provisions are incompatible with Article 1(d) of the Convention. The Committee takes due note of the statement by the Government in its report that the procedure for the repeal of the Industrial Relations Act, 1973,

has been set in motion and that a Parliamentary committee is drafting completely new legislation on industrial relations after hearing the proposals of the employers' and workers' organisations. The Committee trusts that the draft will be in conformity with the provisions of Article 1(d) of the Convention, that it will be adopted shortly and that the Government will supply the text of the new enactment.

New Zealand (ratification: 1968)

Referring to the previous comments on various provisions of the Shipping and Seamen's Act, 1952, relating to the punishment of disciplinary offences and the forcible return of seamen on board ship, the Committee notes the Government's statement in its last report, that the revision of the Act is still to be reviewed and it is unlikely to receive attention within the next two or three years. The Committee recalls that the provisions in question have been the subject of comment for a number of years and expresses the hope that measures will be taken in the near future to bring the Shipping and Seamen's Act, 1952, into conformity with the Convention.

Nicaragua (ratification: 1967)

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

1. Article 1(a) of the Convention. With reference to its earlier comments, the Committee notes with interest that section 4 of the Act respecting the maintenance of public order and security, which provided for the punishment, inter alia, of offences of opinion defined in general terms, has been amended by a Decree approved on 31 November 1983 so as to provide no longer for the penalty of compulsory participation on public works.

2. Article 1(d). In earlier comments, the Committee noted that Decree No. 812 of 9 September 1981 promulgated the Act declaring a state of economic and social emergency throughout the national territory for the period of one year, and section 3(a) and (f) of this Act defined as offences against the economic and social security of the nation, punishable by imprisonment of between one and three years, acts to cause a concerted suspension of public or private transport, and to encourage, help or take part in the calling or continuation of a strike, a stoppage of work or the occupation of workplaces. The Committee also noted that section 5 of the Act suspended the right to strike and the exercise of the right of appeal (derecho de amparo).

The Committee notes that Decree No. 812 of 1981 has been repealed by Decree No. 996 of 15 March 1982, the validity of which has been extended several times, and lastly until 30 May 1984 by Decree No. 1255 of 26 May 1983.

The Committee notes with interest that Decree No. 996 of 1982 has thus abolished the penal provisions which were included in the 1981 text. It observes, however, that Decree No. 996 has again suspended

most of the rights and guarantees embodied in Decree No. 52 of 21 August 1979 to issue the Charter of the Rights and Guarantees of the Nicaraguans, including the right to strike. The Committee is addressing a direct request to the Government on certain points in this connection.

Nigeria (ratification: 1960)

The Committee notes the Government's report and the information communicated to the Conference Committee in 1982.

Article 1(a) of the Convention

1. In previous comments, the Committee noted that the Public Order Act, No. 33 of 1966 (prohibiting all bodies, societies or associations from pursuing any political cause or objective) and the Newspaper (Prohibition of Circulation) Act, No. 17 of 1967, both of which were enforceable with prison sentences (involving an obligation to work) were repealed by the Constitution (Certain Consequential Repeals) Act. No. 105 of 1979. The Committee trusts that the Government, as it stated to the Conference Committee in 1982, will forward a copy of the repealing legislation.

Article 1(c) and (d)

2. In previous comments, the Committee noted that under section 81(b) and (c) of the Labour Act, 1974, a court may direct fulfilment of a contract of employment and posting of security for the due performance of so much of the contract as remains unperformed, and a person failing to comply with such direction may be committed to prison.

The Committee notes the Government's statement that committal to prison in such circumstances does not necessarily involve an obligation to perform work. The Committee hopes that the necessary measures will be adopted to ensure that committal to prison under section 81(b) and (c) of the Labour Act, 1974, shall under no circumstances involve an obligation to perform work, and that the Government will indicate the action taken to this end.

3. In previous comments, the Committee referred to section 117(b), (c) and (e) of the Merchant Shipping Act, under which seamen are liable to imprisonment involving an obligation to work for breaches of labour discipline even in the absence of a danger to the safety of the ship or of persons. The Committee notes the Government's statement to the Conference Committee in 1982 that it is taking the necessary measures to bring the Merchant Shipping Act into conformity with the Convention. The Committee hopes that the Government will soon be able to indicate the measures taken to ensure the observance of the Convention on this point.

Article 1(d)

4. The Committee previously noted that under section 13(1) and (2) of the Trade Disputes Act, No. 7 of 1976, participation in strikes may be punished with imprisonment involving an obligation to work in the following cases: (a) where the mediation and reporting procedure imposed by sections 3 and 4 of the Decree for all industrial disputes has not been complied with; (b) where arbitration procedures under sections 7 to 9 of the Act, which shall be initiated by the Federal Commissioner whenever conciliation attempts have failed, have led to an award by the arbitration tribunal and that award has become binding; (c) when the Federal Commissioner has referred the dispute to the National Industrial Court; (d) when the National Industrial Court has issued an award on the reference.

The Committee notes the Government's statement to the Conference Committee in 1982 that the Government is conscious of the fact that some aspects of some decrees should be changed, and that, as stated earlier, section 13 merely imposes on an employer or worker an obligation to observe and exhaust prescribed procedures before engaging in a strike or lock out. In this connection, the Committee would refer to paragraph 130 of its 1979 General Survey on the abolition of forced labour, where it explained that the imposition of a temporary restriction on the right to strike until all facilities for negotiation and conciliation have been exhausted and while voluntary arbitration procedures are in progress, are to be distinguished from compulsory arbitration systems which result in binding awards allowing practically all strikes to be prohibited or rapidly stopped. When such systems provide for sanctions involving compulsory labour, they should be limited to essential services in the strict sense of the term (that is, services whose interruption would endanger the life, personal safety and health of the whole or part of the population). The Committee hopes that the Government will indicate measures taken or contemplated to ensure the observance of the Convention in this connection.

Pakistan (ratification: 1960)

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

1. Article 1(a) of the Convention. In previous comments, the Committee had referred to certain provisions in the Security of Pakistan Act 1952 (sections 10-13), the West Pakistan Press and Publications Ordinance 1963 (sections 12, 36, 56, 59 and 23, 24, 27, 28 and 30) and the Political Parties Act 1962 (sections 2 and 7) which give the authorities wide discretionary powers to prohibit the publication of views and to order the dissolution of associations, subject to penalties of imprisonment which may involve compulsory labour. In its report, the Government states that only acts which amount to offences under the above-mentioned legislation are punished with imprisonment and that even for those cases, the punishment could entail detention or simple imprisonment without compulsory labour, rather than rigorous imprisonment. According to the Government's

report, all cases are judged on their merits and sentences are imposed according to the nature and gravity of the offence; only more serious and dangerous offences are punished with imprisonment after conviction at a trial in a court of law at which an accused person has the right to mount a defence against the charges.

The Committee takes due note of these indications. It refers to paragraphs 105 to 109 of its 1979 General Survey on the abolition of forced labour where it indicated that although labour imposed as a consequence of a conviction in a court of law would in most cases have no relevance to the application of the Convention, it falls within the scope of the Convention where the punishment is imposed in the circumstances specified in Article 1 of the Convention. Thus, penalties involving compulsory labour for holding or expressing political views contravene Article 1(a). Referring also to the explanations provided in paragraphs 133 to 140 of its 1979 General Survey, the Committee hopes that the Government will review the above-mentioned provisions in the light of the Convention and that it will indicate the measures taken or envisaged to ensure that compulsory labour is not imposed as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. Pending such action, the Committee would also ask the Government to supply full information on the application of the legislation referred to, including the numbers of convictions, and copies of court decisions.

2. Article 1(c) and (d). In its previous comments, the Committee had referred to sections 54 and 55 of the Industrial Relations Ordinance (No. XXIII of 1969) under which whoever commits any breach of any term of any settlement, award or decision or fails to implement any such term may be punished with imprisonment which may involve compulsory labour. The Committee had noted that these provisions appear to permit the imposition of forced or compulsory labour as a means of labour discipline, within the meaning of Article 1(c) of the Convention.

The Committee notes from the Government's report that sections 54 and 55 of the Industrial Relations Ordinance remain in force. The Government explains that the punishment of imprisonment under these provisions is meant to provide a deterrent against violation or non-implementation of settlements arrived at through collective agreements or awards of the Labour Court. The Government also states in its report that because the kind of imprisonment has not been mentioned in the legislation, it is deemed to be simple imprisonment without forced or hard labour. While noting these indications, the Committee observes that the practical effect of these provisions brings them within the scope of the Convention. It again refers to section 3(26) of the General Clauses Act 1897 which provides that whenever an offence is stated to be punishable with imprisonment, the court may impose a sentence either of simple imprisonment or of rigorous imprisonment involving hard labour. The Committee hopes that the Government will review sections 54 and 55 of the Industrial Relations Ordinance in the light of the Convention and that it will soon indicate measures taken or contemplated in this connection to ensure the observance of the Convention.

3. In previous comments, the Committee had asked the Government to review sections 100 to 103 of the Merchant Shipping Act, under which various offences against discipline by seamen may be punished with imprisonment which may involve liability to compulsory labour.

In its report, the Government states that these provisions are in force to maintain discipline on ships. The Government considers this not to be forced labour but disciplinary action against deserters who fail to discharge their lawful agreements, and states in these circumstances, it is not considered necessary to repeal the above-mentioned provisions.

The Committee takes due note of these indications. Referring again to the explanations provided in paragraphs 105 to 109 of its 1979 General Survey on the abolition of forced labour, the Committee recalls that penalties involving compulsory labour imposed for breaches of labour discipline or for having participated in a strike contravene Article 1(c) and (d) of the Convention. The Committee would also refer again to paragraphs 117 and 125 of its 1979 General Survey, where it pointed out that sanctions relating to acts tending to endanger the ship or the life or health of persons on board do not fall within the scope of the Convention. However, as regards more generally, breaches of labour discipline such as desertion, absence without leave or disobedience, all sanctions involving compulsory labour should be abolished under the Convention. In a great number of maritime nations, similar penal provisions have been repealed, restricted in scope to cases involving a danger to the ship or the life or health of persons, or otherwise amended so as to provide for a fine or some other penalty not falling within the Convention.

The Committee hopes that the Government will reconsider the matter with a view to bringing sections 100 to 103 of the Merchant Shipping Act into conformity with the Convention, and that it will indicate the action taken.

Panama (ratification: 1966)

The Committee notes the report of the Government.

Article 1(c) of the Convention. In its previous comments the Committee has for some years been referring to section 1120 of the Commercial Code, under which any seafarer abandoning his vessel may be required, on pain of imprisonment, to complete the term of his contract and to work for one month without payment. The Committee had taken note of the submission to the National Legislative Council of a bill to repeal this section and of a bill respecting employment in the merchant marine, both prepared with the assistance of the ILO.

The Committee notes the indication provided by the Government in its report, that the bill to repeal section 1120 of the Commercial Code has not been discussed by the National Legislative Council and is not on the list of bills for examination during the period 1982-83 but that the Government will take the necessary steps to ensure that it is included in the list for 1983-84. The Committee also notes that the discussion of the bill respecting the labour relations of seafarers will remain suspended until a committee submits a report on it.

The Committee hopes that measures will shortly be adopted to bring the legislation on the merchant marine into conformity with this provision of the Convention, and that the Government will indicate any progress made to this end.

Paraguay (ratification: 1968)

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

Article 1 of the Convention. In its earlier comments the Committee has observed that, by virtue of section 67 of the Penal Code and section 39 of Act No. 210 of 1970, imprisonment involving an obligation to perform prison labour may be imposed for infringement of sections 4, 5 and 6 (prohibiting rallies or meetings, subscription to any publications or the display of any emblems disseminating communist doctrine) of Act No. 294 of 1955 on the defence of democracy, and sections 4 and 8 (prohibiting the public advocacy of the destruction of the social classes; the printing, distribution or sale of publications advocating the communist doctrine; membership of communist parties and assistance in corresponding activities) of Act No. 209 of 1970 on the defence of public peace and the freedom of persons. The Committee has noted that a Bill was before the National Congress to exempt from the obligation to perform prison labour those sentenced for political offences who have not been involved in acts of violence or inciting to violence.

The Committee regrets to note from the report for 1979-81 of the Government that the Bill has not been adopted and that the Government is of the opinion that section 39 of Act No. 210/70 does not conflict with the provisions of the Convention. As the Committee has indicated in paragraphs 102 to 109 of its General Survey of 1979 on forced labour, the Convention is not opposed to the exaction of forced or compulsory labour from an offender under ordinary law; accordingly, labour exacted of a person as a consequence of a sentence in a court of law will in most cases have no relation with the application of the Convention; on the other hand, this instrument applies to cases in which the person is compelled in any way to perform labour for holding or expressing certain political opinions. Recalling that the Government has stated on several occasions that in practice prison labour is not compulsory, the Committee hopes that the necessary measures will be adopted to bring the legislation into conformity with the Convention.

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

Peru (ratification: 1960)

The Committee notes the information supplied by the Government to the Conference Committee in 1982 and in its latest report.

Article 1(e), of the Convention

In comments made over several years, the Committee has referred to section 44 of the Penal Code, under which, where offences are committed by "savages", the judge may substitute for sentences of imprisonment, assignment to a penal agricultural colony for an indefinite period of up to 20 years, irrespective of the maximum duration of the sentence that the offence would entail under the law if it had been committed by a "civilised man". The Committee recalls that in 1981 a Government member informed the Conference that the Government had submitted a draft Act to Congress which had been drawn up as a result of the direct contacts which took place in 1980 between the Government and a representative of the Director-General of the ILO, and which was specifically designed to repeal section 44 of the Penal Code; the representative of the Government added that the draft would be examined with a view to its early inclusion on the Congress agenda.

The Committee notes from the statement of a Government member to the Conference Committee in 1982, that an in-depth reform of the legislation and legal system has been in progress since July 1980, which will eliminate other anachronisms as well as the section cited above. A Committee was studying a draft Penal Code, which was to be ready for examination by Congress at its session in July 1982, or following sessions.

The Committee observes that the formulation of a Penal Code may take several years and that, it should meanwhile be possible to repeal section 44 of the Penal Code in the near future, as was earlier indicated, thus bringing the legislation into conformity with the Convention. The Committee hopes that the Government will adopt the appropriate measures to this end and will indicate the results achieved.

[The Government is to supply full particulars to the Conference at its 70th Session and to report in detail for the period ending 30 June 1984.]

Philippines (ratification: 1960)

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

Article 1(a) of the Convention

1. The Committee notes that Article 142-B of the Revised Penal Code, inserted by Presidential Decree No. 1834 of 1981, provides, *inter alia*, for imprisonment - involving compulsory labour under section 1727 of the Revised Administrative Code - to be imposed upon any person, who having control and management of printing, broadcast

or television facilities, or any form of mass communication shall use or allow the use of such facilities for the purpose of mounting sustained propaganda assaults against the Government or any of its duly constituted authorities which tend to destabilise the Government or undermine or destroy the faith and loyalty of the citizenry thereto. Article 146 of the Revised Penal Code, as amended by the same decree, provides that imprisonment be imposed, inter alia, upon the organisers or leaders of any meeting which is held for propaganda purposes against the Government or any of its duly constituted authorities in order to destabilise the Government or undermine its authority by eroding the faith and loyalty of the citizenry thereto and that any (unarmed) person merely present at such a meeting shall also face imprisonment. The word "meeting" as defined in this Article includes gatherings or groups such as public rallies, mass demonstrations, picketing of labour groups and similar group actions, whether in a fixed place or moving.

Referring to the explanations provided in paragraphs 133 to 140 of its 1979 General Survey on the abolition of forced labour, the Committee hopes that the necessary measures will be taken with regard to these provisions so as to ensure that no penalties involving compulsory labour may be used as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system, and that the Government will indicate the action taken or envisaged to this end.

Article 1(d) of the Convention

2. In its previous comments, the Committee had referred to various legislation under which strikes were illegal, or could be declared illegal, and punishable with imprisonment involving compulsory labour in a wide range of industries. The Committee notes with interest the Government's statement in its report that Act No. 130 of 17 August 1981 and its implementing rules of 4 October 1981 have repealed:

- (i) sections 1 and 4 of the Commonwealth Act No. 358, which enabled the Government to take over the possession and control of public utilities or businesses involving a public interest and thereby make strikes of their employees unlawful and punishable with imprisonment;
- (ii) sections 1 to 10 of Presidential Decree No. 823 and sections 7, 8 and 19 of its implementing rules which prohibited all strikes during the period of national emergency under penalty of imprisonment.

3. The Committee notes, however, that Act No. 227 of 1 June 1982 (Anti-Scab and Picketing Law) has amended the Labour Code so as to empower the Minister of Labour and Employment, under section 264(g) to assume jurisdiction over a dispute which in his opinion could cause, or was likely to cause, strikes adversely affecting the national interest, such as may occur in but not limited to public utilities, companies engaged in the generation of energy, banks, hospitals and export-oriented industries including those within export-processing zones. Section 264(g), as amended, also empowers

the President of the Philippines to, inter alia, determine the industries where, in his opinion, labour disputes may adversely affect the national interest. In this regard, the Committee notes that Executive Order No. 815 of July 1982 declared the semiconductor industry a vital industry and that Resolution No. 473 of December 1982 gave the Labour Minister the mandate to prevent all work stoppages in export-oriented firms. The Committee further notes that section 265 of the Labour Code, as amended by Act No. 227, prohibits, among other things, the declaration of a strike after the assumption of jurisdiction by the Minister or President or after certification or submission of the dispute to compulsory arbitration. According to section 273 of the Labour Code, the penalty for violating any of the provisions of section 265 includes imprisonment which, under section 1727 of the Revised Administrative Code, involves compulsory labour.

The Committee would refer to paragraph 123 of its 1979 General Survey on the abolition of forced labour, where it indicated that the imposition of penalties (even if involving an obligation to perform labour) for participation in strikes in essential services is not incompatible with the Convention, provided that such provisions are applicable only to essential services in the strict sense of the term, i.e. services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee observes that the above-mentioned provisions which are enforceable with penalties involving compulsory labour restrict the right to strike in workplaces which do not meet these criteria. Noting from the Government's report that there have not been any prosecutions under the Labour Code, the Committee hopes that the necessary measures will be taken to bring the legislation, as well as the practice, into conformity with the the Convention, and that the Government will indicate the action taken.

4. The Committee further notes that section 265 of the Labour Code, as amended, also makes a strike illegal and punishable with imprisonment, involving compulsory labour under section 1727 of the Revised Administrative Code, unless an organisation has obtained approval to declare a strike from at least two-thirds of the union membership in a secret ballot, in accordance with section 264(f) of the Labour Code. The Committee would refer to the explanations provided in paragraph 129 of its 1979 General Survey on the abolition of forced labour where it indicated that procedural requirements of this kind to be observed in declaring or conducting a lawful strike constitute restrictions on the exercise of the right to strike within the scope of the Convention if they are enforced by sanctions involving compulsory work. Noting again from the Government's report that there have not been any prosecutions under the Labour Code, the Committee hopes that the necessary measures will be taken to bring these provisions of the Labour Code into conformity with the Convention, and that the Government will indicate the action taken to this end.

Senegal (ratification: 1961)

Article 1(c) and (d) of the Convention. In its previous comments, the Committee noted that under sections 223 and 243 of the Merchant Shipping Code seafarers are punished for breaches of labour discipline (irregular absence from the vessel, refusal to obey after a formal order) with sentences of imprisonment involving compulsory labour by virtue of section 40 of the Penal Code.

The Committee notes the Government's statement in its report that the attention of the competent ministry has once again been drawn to this matter, but that in the absence of information on which to base a reply to the Committee's comments it must refer to the positions stated in its previous reports. These were to the effect that in practice, no sentence of imprisonment involving compulsory labour had so far been imposed by judges on seafarers who had committed a breach of labour discipline, and that moreover there was every reason to believe that sentences of imprisonment with compulsory labour were reserved by judges for cases of mutiny or endangering the safety of the vessel.

In these circumstances, the Committee hopes that appropriate steps will be taken to give statutory effect to present practice and bring the provisions of sections 223 and 243 of the Merchant Shipping Code, read in conjunction with section 40 of the Penal Code, into conformity with the Convention, and that the Government will indicate the measures taken or envisaged in this respect.

Syrian Arab Republic (ratification: 1958)

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

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 noted with interest the statement by the Government in its 1982 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.

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

Tanzania (ratification: 1962)Tanganyika

In its previous observations, the Committee noted that forced or compulsory labour may be imposed in circumstances falling within Article 1(a), (c) and (d) of the Convention, under the following legislative provisions:

Article 1(a) of the Convention. Under section 25 of the Newspaper Act, 1976 (replacing similar provisions in previous legislation) the President may, if he considers it necessary in the public interest or of peace and order, prohibit the further publication of any newspaper. Any person who prints, publishes, sells or distributes in a public place, such a newspaper, may be punished with imprisonment (involving, by virtue of Part XI of the Prisons Act, 1977, an obligation to perform labour);

Article 1(c). Under section 284A of the Penal Code (added by Act No. 2 of 1970) any employee of a "specified authority" (i.e. the government, a local authority, a registered trade union, the Tanganyika African National Union or any body affiliated to it, any publicly owned company, etc.) who causes pecuniary loss to his employer or damage to his employer's property, by any wilful act or omission, negligence or misconduct, or failure to take reasonable care or to discharge his duties in a reasonable manner, may be punished with imprisonment for up to two years (involving an obligation to work);

Article 1(c) and (d). Under section 145(1)(b), (c) and (e) and section 147 of the Merchant Shipping Act, 1967, various breaches of discipline by seamen are punishable by imprisonment, involving an obligation to perform labour. Under section 151, any seaman who deserts from a foreign ship may be forcibly conveyed on board ship or delivered to the master, mate or owner of the ship or his agent.

Article 1(d). Sections 4, 8, 11 and 27 of the Permanent Labour Tribunal Act, 1967, which contain general provisions for compulsory arbitration in labour disputes, make it possible in practice to render all strikes illegal and punishable with imprisonment (including compulsory prison labour).

The Committee notes the Government's statement, in its last report, that consultations on proposals for the revision of these legislative provisions have been completed and a report submitted to the competent authority for revision. Recalling that these matters have been under consideration for a number of years, the Committee again expresses the hope that measures to ensure that no form of forced or compulsory labour may be imposed in circumstances falling within the scope of the Convention will be adopted at an early date and that the Government will indicate the action taken. The Committee also expresses the hope that, as indicated in the Government's latest report, the Government will soon supply the information on the practical application of a number of legislative provisions which the Committee has requested for many years, and which it again enumerates in a direct request.

Zanzibar

In previous comments the Committee has referred to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree) the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion in violation of Article 1(a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961; on the measures taken to abolish both the compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions.

The Committee notes from the Government's report that the Government of Zanzibar has now created a Ministry of Labour, Manpower and Social Welfare and this development will facilitate the handling of labour matters. The Committee expresses the hope that information will soon be supplied, as in their absence the Committee is unable to ascertain the conformity of legislation and practice with the provisions of the Convention.

Thailand (ratification: 1969)

1. Article 1(a) of the Convention. The Committee notes from the Government's reply to previous comments that the Anti-Communist Activities Act B.E. 2495 (1952) is still in force. It notes that penalties of imprisonment may be imposed under sections 4, 5, 6 and 8 of this Act on anyone who engages in communist activities, or who conducts propaganda or makes any preparation with a view to carrying on communist activities, who is a member of any communist organisation, or who attends any communist meeting unless he can prove that he did so in ignorance of its nature and object. Similarly, under sections 9, 12 and 13 to 17 of the same Act, inserted by the Anti-Communist Activities Act (No. 2) B.E. 2512 (1969), penalties of imprisonment may be imposed on whoever assists any communist organisation or member of such organisation in a variety of ways, who propagates communist ideology or principles leading to the approval of such ideology, or who contravenes restrictions imposed by the Government on movements, activities and liberties of persons in any area classified as a communist infiltration area.

The Committee notes that these provisions are not limited in scope to the punishment of violence, but may be used as a means of political coercion or as a punishment for holding or expressing even peacefully, certain political views or views ideologically opposed to the established political, social or economic system, and are

accordingly incompatible with Article 1(a) of the Convention in so far as the penalties provided, involve compulsory labour.

Referring to the explanations provided in paragraphs 102 to 109 and 133 to 140 of its 1979 General Survey on the abolition of forced labour, the Committee hopes that the necessary measures will be adopted in this regard to ensure the observance of the Convention and that the Government will indicate the action taken.

2. Article 1(c) and (d). Further to its previous comments, the Committee has noted with interest the Government's indication in its report that Decree No. 3 of October 1976, adopted under sections 25 and 36 of the Labour Relations Act of 1975 and banning all strikes under the menace of penalties including imprisonment, was repealed by the Ministry of Interior Announcement, for lifting the ban on strike and lockout dated 27 January 1981, and that no case has been reported in which a prison sentence involving compulsory labour was imposed under section 141 of the Act. The Committee hopes that a copy of the repealing announcement will be forwarded, and that the Government will also supply information on measures taken to ensure the observance of Article 1(c) and (d) of the Convention with regard to a number of other provisions of the Labour Relations Act and the Act for the Prevention of Desertion or Undue Absence from Merchant Ships, which are considered in detail in a direct request to the Government.

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

Tunisia (ratification: 1959)

The Committee takes note of the information supplied by the Government in its report in answer to the Committee's previous comments.

Article 1(d) of the Convention. The Committee had drawn attention to the fact that under the Labour Code, participation in a strike is unlawful and punishable by imprisonment involving compulsory labour where it has not been approved by the Central Workers' Organisation (sections 376 bis, subsection 2, 387 and 388) or where the Government has ordered compulsory arbitration, considering that the national interest might be in danger (sections 384 to 388); furthermore, workers may be called up under penalty of imprisonment (also involving compulsory labour) when a strike is considered to be such as to jeopardise a vital interest of the nation (sections 389 and 390).

The Committee had taken note with interest of a proposal to replace the expression "vital interest of the nation" by a reference to essential services whose interruption would endanger the existence or the well-being of the population.

The Committee notes the information supplied now by the Government concerning the difficulty in defining the concept of essential services, and in particular the position of services such as bakeries.

Referring to paragraphs 120 and 123 of its 1979 General Survey on the abolition of forced labour, the Committee recalls that it is not incompatible with the Convention to impose penalties, even if they

involve forced or compulsory labour, for participation in strikes in essential services, provided that such provisions are applicable only 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 of the country).

The Committee trusts that in order to give statutory effect to the Convention on this point, the Government will take the necessary steps, firstly, to limit the scope of the provisions on compulsory arbitration and on the call-up of workers, where they include penalties involving compulsory labour, to essential services as defined above, and, secondly, to ensure that participation in a strike cannot be punished by penalties involving compulsory labour in the case covered by section 376 bis, subsection 2, read in conjunction with sections 387 and 388 of the Labour Code.

Uganda (ratification: 1963))

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

Article 1(a) of the Convention

1. Further to its previous comments, the Committee notes with interest that section 17 of the proclamation of 12 May 1980 published under Legal Notice No. 5 of 1980, has lifted the suspension of political activities which had been enforced under Decree No. 14 of 1971 with penalties of imprisonment involving compulsory labour.

2. The Committee understands from the Government report that the Public Order and Security Act, empowering the Executive to restrict, independently of the commission of any offence, an individual's association or communication with others, subject to penalties involving compulsory labour, has likewise been repealed. The Committee hopes that a copy of the instrument repealing the Public Order and Security Act will soon be supplied. The Committee notes that interministerial consultations are in progress regarding the measures to be taken to repeal or amend section 21A of the Newspaper and Publications Act (inserted by Decree No. 35 of 1972), under which the publication of any newspaper may be prohibited if the competent minister considers it to be in the public interest to do so and which is enforceable with imprisonment (involving an obligation to perform work). The Committee hopes that the necessary measures will soon be taken and, pending their adoption, it would ask the Government to supply details on all cases in which prohibitions are made or maintained in force under these provisions.

3. In its previous comments, the Committee noted that sections 54(2)(c), 55, 56 and 56A of the Penal Code empower the competent minister to declare any combination of two or more persons to be an unlawful society (a power exercised in respect of various political, religious and student organisations by Statutory Instruments Nos. 12 of 1968, 153 of 1972 and 63 of 1973) and thus render any speech, publication or activity on behalf of or in support of any such association illegal and punishable with imprisonment (involving an

obligation to perform work). The Committee also noted that a number of orders made under these provisions between 1975 and 1977 were revoked by the Penal Code (Unlawful Society)(Revocation) Order, 1979, but that sections 54(2)(c), 55, 56 and 56A of the Penal Code appeared to remain in force. The Committee notes the Government's statement in its report that there have not been any prohibitions newly made and that appropriate steps will be taken to review the legislation. The Committee hopes that measures to ensure the observance of the Convention will be adopted at an early date regarding these provisions and that the Government will indicate the action taken.

Article 1(c) and (d)

4. In previous comments the Committee noted that, under section 16(a) of the Trade Disputes (Arbitration and Settlement) Act, 1964, workers employed in "essential services" may be prohibited from terminating their contract of service, even by notice; that, by virtue of sections 16, 17 and 20A of the same Act, strikes may be prohibited in various services which, while including those generally recognised as essential ones, also extend to other services, interruption of which would not necessarily endanger the existence or well-being of the population, and that contravention of these prohibitions may be punished with imprisonment (involving, as previously noted, an obligation to perform work).

The Committee notes that the process to review the law is still under way. It hopes that the Government will soon be able to indicate the measures that will have been taken to bring sections 16, 17 and 20A of the Trade Dispute (Arbitration and Settlement) Act, 1964, into conformity with the Convention.

Uruguay (ratification: 1968)

The Committee notes the information supplied by the Government to the Conference Committee and in its last report.

1. Prison labour. In its earlier comments the Committee referred to a series of legislative provisions under which prison sentences involving the performance of compulsory labour may be imposed in circumstances covered by Article 1(a), (c) and (d) of the Convention.

The Committee notes with interest the statement in the Government's report that a draft Act amending section 41 of Act No. 14,470, of 2 December 1975, concerning compulsory prison labour, has recently been put forward for approval.

The Committee points out, however, that this draft Act, a copy of which was attached to the report, only excludes from compulsory labour those prisoners who have not yet been convicted. In this connection, it should be noted that Convention No. 29 protects prisoners who have not been convicted in a court of law, as provided for in the draft Act, while Convention No. 105 extends protection to cover all forms of forced or compulsory labour, including those following conviction in a court of law, in the cases set out in Article 1 of this Convention. The Committee hopes that the Government will re-examine the question

in the light of these considerations, and that it will indicate the measures adopted to bring the legislation into conformity with the Convention on the following points.

2. Article 1(a) of the Convention. In its previous comments the Committee 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 displaying to the public or distributing foreign publications prohibited by the competent administrative authorities in their own discretion.

The Committee notes with interest the statement in the Government's report that appropriate measures are at present under study to bring section 22 of Act No. 9480 into conformity with this provision of the Convention and that information will be provided by the Government on the action taken. The Committee hopes that these measures will be adopted in the near future and that the Government will report progress made to this end.

3. Article 1(c) and (d) of the Convention. With reference to its earlier comments on certain provisions of Decrees Nos. 518 and 548 of July 1973, which 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 notes that 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, are not at present in force.

4. In its earlier comments the Committee 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 by imprisonment, involving an obligation to perform labour and thus contrary to the Convention; the Committee noted that the Government intended to bring into effect provisions to regulate the exercise of the right to strike in the near future and that a Committee was drawing up draft regulations; the Committee had specified the limitations on the right to strike and the procedural requirements for declaring a strike which it considered compatible with the provisions of the Convention.

The Committee notes from the Government's statement to the Conference Committee, that the provisions of Decree No. 622/73 concerning the right to strike will cease to be in effect on the adoption of the draft Strike Act presently being drawn up. In this statement and in its report, the Government indicates that it intends to regulate the right to strike on the basis of article 57 of the National Constitution, which recognises strikes as a trade union right and provides for its regulation in law so as to ensure its effective exercise. The Government states that the draft Strike Act will be formulated in the light of the Committee's comments.

The Committee hopes that the appropriate legislative measures will be adopted to comply with Article 1(d) of the Convention and that information on progress made to this end will be supplied.

Zambia (ratification: 1965)

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

1. Article 1(a) of the Convention. In its previous comments the Committee referred to Article 4 of the Constitution of Zambia which, read together with sections 8 and 9 of the Societies Act, provides that the pursuit of political objectives by any group or association outside the constitutionally recognised party is prohibited. It noted that any expression of opinion, meeting or other activity by any such group or association would be punishable under sections 24 and 25 of the Societies Act with imprisonment (involving, by virtue of section 75 of the Prisons Act, an obligation to perform labour).

The Committee notes the Government's statement in its report that this question is still under study with a view to bringing the provisions in line with the requirements of the Convention.

Referring to the explanations provided in paragraphs 102 to 109, 133 and 140 of its 1979 General Survey on the abolition of forced labour, the Committee hopes that as a result of the study being made the necessary measures will soon be taken to bring the legislation concerned into conformity with the Convention and that the Government will supply information on the measures adopted.

2. Article 1(d) of the Convention. The Committee previously noted that under section 95 of the Industrial Relations Act, any collective dispute not settled by conciliation shall be referred to the Industrial Relations Court which shall consider the issues involved and pronounce a decision thereon. Since the Court's decision shall be final and binding upon the parties to the dispute for such period as the Court may specify, this provision makes it possible in practice to render all strikes illegal and, under sections 116 and 122, punishable with imprisonment (involving compulsory prison labour).

The Committee notes the Government's statement in its last report that if the Court has given a final decision which prohibits a strike, and in violation of that ruling a person nevertheless goes on strike, he is in violation of the law forbidding striking and such strike is unlawful. According to the Government, a distinction should be drawn between punishing a person who goes on lawful strike (to be protected under the Convention) and unlawful strike (provided under section 95 of the Act). The Committee refers to paragraphs 130 and 132 of its 1979 General Survey on the abolition of forced labour where it pointed out that under the Convention, laws providing for compulsory arbitration systems which result in binding awards allowing practically all strikes to be prohibited or rapidly stopped should, when providing for sanctions involving compulsory labour, be limited to essential services, that is, to services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee hopes that the Government will review the above-mentioned provisions in the light of Article 1(d) of the Convention and that it will indicate the measures taken or

contemplated to ensure the observance of the Convention in this respect.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Angola, Argentina, Bangladesh, Belgium, Benin, Burundi, United Republic of Cameroon, Central African Republic, Chad, Colombia, Comoros, Cuba, Cyprus, Democratic Yemen, Dominica, Dominican Republic, Egypt, Fiji, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Iceland, Islamic Republic of Iran, Israel, Jamaica, Jordan, Kenya, Malaysia, Mauritius, Morocco, Mozambique, Nicaragua, Pakistan, Papua New Guinea, Philippines, Poland, Rwanda, Saint Lucia, Seychelles, Sierra Leone, Somalia, Sudan, Suriname, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, Uruguay, Zambia.

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

Syrian Arab Republic (ratification: 1958)

The Committee notes with interest that a draft legislative decree to amend the Labour Code has been submitted to the Council of Ministers with a view to promulgation. The Committee notes in particular that section 121, as amended, grants workers in commerce and offices employed on the weekly day of rest compensatory rest in accordance with Article 8, paragraph 3, of the Convention. The Committee trusts that this draft legislative decree will be adopted in the near future and asks the Government to provide information in this connection in its next report.

* * *

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

Convention No. 107: Indigenous and Tribal Populations, 1957

Argentina (ratification: 1960)

The Committee notes from the Government's report for the period 1980 to 1982, which arrived too late to be examined at its previous session, that by Ministerial Resolution No. 438/82 of 21 April 1982, the Government created an Interministerial Committee to study and propose basic guide-lines for a national indigenous policy. The Committee recalls that in its comments it has expressed the hope for some years that the Government would take measures to adopt a central policy which would provide for a co-ordinated approach to the problems of the indigenous populations of the country and to development

projects affecting them. It notes, in this connection, the statement in the report that indigenous affairs are largely the responsibility of the provincial governments, and that the central Government may not interfere under the federal system. The Committee recalls, however, the requirements of the Convention for the Government of a ratifying State to take the necessary measures for the protection and promotion of the indigenous populations, and hopes that the Government will be able to indicate in its next report whether it has examined - in the context of the above-mentioned Interministerial Commission or otherwise - what measures might be taken to overcome the difficulties which have been encountered on this point for the application of the Convention. The Committee suggests that this may be an appropriate subject for consultations with the International Labour Office.

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

Bangladesh (ratification: 1972)

The Committee notes the Government's report, which is quite brief and which gives general indications in reply to the Committee's previous comments. The Committee understands, however, that the Government has announced a number of important measures intended to improve the conditions of life of the tribal populations and to provide economic development in the Chittagong Hill Tracts in particular. For instance, a special five-year plan has been announced, making the Chittagong Hill Tracts a Special Economic Zone, and it is also intended to revise the Chittagong Hill Tracts Regulations of 1900.

The Committee hopes that the Government will provide detailed information in its next report on the measures which have been taken or are contemplated in this regard. It suggests in particular that the revision of the Chittagong Hill Tracts Regulations may be an appropriate subject for consultations with the International Labour Office, which has been able to lend assistance in similar contexts to several other governments in recent years.

The Committee is also addressing a more detailed request directly to the Government.

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

Bolivia (ratification: 1965)

The Committee notes with interest the detailed report which the Government has communicated in reply to its previous comments, and discussions in the Conference Committee, and following the consultations undertaken with the International Labour Office on the application of this Convention. It welcomes the indications provided in the Government's report of various measures now being undertaken to improve the situation of the indigenous and tribal populations of the country and to obtain further information on their situation.

The Committee notes with particular interest that the Government intends to amend the Road Services Act, which has permitted the imposition of compulsory labour for road maintenance on all rural populations; and that it intends to amend the General Labour Law and social security legislation to extend their coverage to agricultural and forestry workers, who are not now protected by any legislation. It also notes that various studies are being undertaken to obtain concrete information on the situation of the indigenous populations. It hopes that the Government will be able to indicate in its next report that it has been able to implement all the measures to which it has referred.

The Committee also notes that the Summer Institute of Linguistics, to which reference has been made in previous comments, has announced its intention of terminating its work with the indigenous and tribal populations in the country during 1984. It hopes that the Government will be able to take adequate measures to replace the functions previously performed by this Institute by Government-operated services.

The Committee is raising a number of points in the request which is being addressed directly to the Government. It hopes that the Government will continue to provide in future the kind of detailed and comprehensive report which has now been received.

Brazil (ratification: 1965)

The Committee notes the detailed report and appended information that the Government has communicated. It notes that there is new legislation on several subjects, and that various studies are being carried out to clarify policy towards the indigenous populations in a number of areas. The Committee hopes that the Government will continue to provide such detailed information in its future reports.

A number of points are also being raised in the request which is being addressed directly to the Government. In this request the Committee questions whether the criteria laid down in the Indian Statute, Act No. 6001 of 1973, for the emancipation from tutelage of Indians, fully meet the requirements of Article 3 of the Convention, and expresses the hope that the Government will continue to examine them.

The Committee has also noted with interest the plans for increased consultations with indigenous communities and leaders concerning development projects affecting them, and hopes that the Government will continue to carry out such consultations.

With regard to land, the Committee remains concerned by the slow progress in the demarcation of Indian lands, and by the continuing invasions of these lands by non-Indians. It hopes the Government will increase its efforts to ensure that the Indians can continue to have full access to their lands. The Committee also is concerned that large areas in Indian reserves are leased out to non-Indians, for purposes such as stock raising, and that in at least one case over 90 per cent of a reserve is leased out. This is in conflict with the Indian Statute, and with Article 11 of the Convention.

The Committee has requested the Government also to provide full information on the measures it is taking to safeguard the interests of Indians when they work for non-Indians (Article 15 of the Convention). It recalls that under the Indian Statute no Indian may work for wages except with the approval and under the supervision of the National Indian Foundation (FUNAI), but it does not appear from the information communicated by the Government that the required measures are being taken.

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

Colombia (ratification: 1969)

The Committee notes from the Government's report that the draft legislation on indigenous populations was not adopted, and that the Government has now withdrawn it. It notes with interest the adoption of the National Development Programme for Indigenous Populations (PRODEIN), which was incorporated in the National Development Plan. It hopes that the Government will provide in its next report information on the implementation of the PRODEIN programme, and on any further initiatives which it may have undertaken for the benefit of the indigenous populations.

It also hopes that the Government will provide detailed replies in its next report to the various points raised in the request which is being addressed directly to it.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Ecuador (ratification: 1969)

The Committee notes with interest the detailed report, which arrived too late to be examined at its previous session. It recalls that draft legislation was under consideration when the report was sent in February 1983, which would if adopted have a significant impact on the indigenous population of the country. The Committee notes that, following its previous suggestion, the Government requested the comments of the International Labour Office on the draft legislation, and that the Office has made a number of suggestions and comments.

The Committee is raising a number of points in a request which it is addressing directly to the Government. It hopes that the Government will not fail to notify the Office when the draft legislation is adopted, and that it will remain in close touch with the Office in case any further advice is required on this subject.

Panama (ratification: 1971)

The Committee has noted with interest the detailed report by the Government, which arrived too late to be examined at its previous session, and the supplementary report which the Government has

communicated. It notes that the Government is continuing to make serious efforts to apply the Convention's provisions for the protection and development of the indigenous populations. It notes in particular the communication to indigenous representatives of the Government's reports on the application of the Convention for their comments, and its request to the International Labour Office for advice on co-ordinating governmental action on reporting under this Convention. It also notes the efforts being made to delimit the areas to be included in comarcas, or reserved areas for the Indians of the country, to ensure the continued possession of lands by indigenous populations, the studies which have been undertaken in this connection, and the difficulties which remain in attempting to resolve this delicate question.

The Committee hopes that the Government will continue to provide information in its future reports on the measures being taken under this Convention.

Paraguay (ratification: 1969)

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:

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.

Peru (ratification: 1960)

The Committee notes with interest the detailed report communicated by the Government, which was received too late to be examined at its previous session, as well as the information contained in a supplementary report. It notes in particular that important developments are taking place with relation to the management of indigenous affairs, and new approaches in land reform. In view of the probable impact of these developments on the country's indigenous populations, the Committee has raised a number of detailed questions in a request addressed directly to the Government, and would also request the Government to communicate a further report for examination by the Committee at its next session.

[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: Argentina, Bangladesh, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Panama, Paraguay, Peru.

Convention No. 108: Seafarers' Identity Documents, 1958Italy (ratification: 1963)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption, by a Decree dated 2 February 1981, of a new seafarers' identity document meeting the requirements of the Convention. It further notes, with regard to the application of Article 6 of the Convention, the reply of the Government to the effect that the competent national authorities, which recognise the validity of identity documents issued by other countries in accordance with the Convention, have been invited to consider the possible adoption of a directive for the purpose. It would be grateful if the Government would provide information, should the occasion arise, on any developments in this connection.

* * *

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

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

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

See under Convention No. 29.

Austria (ratification: 1973)

1. The Committee notes the detailed information sent by the Government concerning the measures taken to ensure the application of the 1979 Act on equality of treatment between women and men. It notes particularly that upon the initiative of the employment market administration services, a basic programme for 1982 to deal with employment policy was launched following consultations between the social partners, with a view to encouraging equality of treatment of women by developing vocational training courses, by disseminating information on traditionally male occupations, and by seeking to involve large undertakings in the programme. The Committee notes with interest the provisions of the programme concerning the advancement of women in the Federal public service, which will be applied until 1985. It notes that this programme concerns male and female civil servants alike in the lower categories where there is a large proportion of women, so that any measure undertaken to improve the conditions of employment of the personnel in these categories will have a direct and immediate effect on women. This programme provides for the implementation, in the different ministerial departments and the federal administration, of concrete action plans which will cover hours of work, internal training courses, recruitment, advancement and job classification.

The Committee requests the Government to supply all information on the practical application and the results of these measures.

2. The Committee notes the information concerning the activities of the Equality of Treatment Committee and hopes that the Government will continue to supply information in this connection.

3. The Committee notes from the comments of the workers' organisations sent by the Government in its report, that the agreement in principle which exists between the social partners on equality of treatment is not always followed up with concrete measures, and that equality of treatment in respect of remuneration is far from being a reality in undertakings. The Committee also notes that the Austrian Workers' Federation (OGB) and the Congress of Chambers of Workers (OAUT) considered that a new study needed to be undertaken to examine the effects of the Act concerning equality of treatment; the study should have been completed by August 1983 and should have revealed to what extent discriminatory provisions, distinguishing between the work of men and women, have been eliminated from collective agreements.

The Committee requests the Government to supply all information on the conclusions of this study and to indicate all measures which will be taken by the social partners to ensure full equality of treatment between men and women.

Canada (ratification: 1964)

The Committee notes the observations made by the Canadian Labour Congress (CLC) in a letter of 22 September 1983 concerning the application of this Convention in the Province of British Columbia.

In particular, the Committee notes that the Government of British Columbia has replaced the Human Rights Code 1979 with the Human Rights Act (Bill No. 27 of 1983) which, according to the CLC, significantly reduces the kinds of action which can be considered violations of human rights and makes access to an adjudication procedure more difficult. Moreover, the CLC maintains that whereas under the old legislation, an employer had to prove he had "reasonable cause" in refusing to hire a person, the burden of proof now falls on a complainant.

The Committee would recall that under Article 2 of the Convention, a ratifying member State undertakes to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating discrimination. While the Convention leaves a government discretion as to the methods by which it promotes equality of opportunity and treatment, it nevertheless implies that once measures have been taken and a certain level of protection against discrimination has thus been achieved, the existing system of protection cannot be dismantled unless its repeal is accompanied by the adoption of an alternative system that increases, rather than reduces, the overall protection afforded.

The Committee hopes that the Government will supply full information on the matters raised in the observations by the CLC and on any measures taken or contemplated in this connection to ensure the observance of the Convention.

The Committee also notes from the observations of the CLC that the Public Sector Restraint Act (Bill No. 3 of 1983) gives the Government of British Columbia very wide powers to terminate the employment of public-sector employees. While provision is made for a judicial review of any such termination under this Act, the circumstances justifying termination under section 2(1) of the Act (which include a public-sector employer deciding to make a change in "organisational structure") are so widely defined that the mere enforcement of the Act would not appear to offer substantial protection against discrimination under the Convention.

The Committee hopes that the Government will supply full information on any measures taken or contemplated in this regard to ensure the observance of the Convention. In this connection, the Committee would ask the Government to indicate whether public-sector employers under the Public Restraint Act 1983 are deemed to be employers under the Human Rights Act 1983.

Chile (ratification: 1971)

The Committee notes the discussion which took place in the Conference Committee in 1983 and the information which the Government communicated to an ILO consultative mission in November 1983 and in its report on the application of the Convention.

1. Article 8 of the Constitution. In its previous comments, the Committee referred to article 8 of the Constitution of Chile adopted in 1980. According to that provision, 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" is illegal and contrary to the institutional order of the Republic. Likewise, organisations and political movements or parties which, by their aims or by the activities of their followers, tend towards such objectives are deemed unconstitutional. The Constitutional Court has jurisdiction to judge any breaches of these provisions. According to that same article, persons who have committed the above-mentioned offences, shall be barred for ten years from access to any public post or position, shall automatically lose any such employment that they hold and may not, for the said period, be rectors or principals of educational establishments, teachers or trade union leaders, nor may they exercise any function in the media relating to the publication or dissemination of opinions and information.

The Committee notes the additional information concerning the scope of these provisions within the framework of the national legal system and their application in practice. On the one hand, the information confirms that the possible application of these provisions is not limited to persons or groups advocating the use of violence but may also extend to workers and job applicants who have propagated certain political opinions without any use of or incitement to violence. On the other hand, the Committee notes that under the national legal order, a decision taken by the Constitutional Court on the basis of article 8 of the Constitution against any group or party can in no case result in the provisions of article 8 concerning occupational prohibition being applied to any followers of the group or party in question who have not been personally charged, tried and named in the decision. Finally, the Committee notes that, to date, the procedure in article 8 has been resorted to on only two occasions and then at the request of individuals and against government ministers, and that the Government itself has not requested the application of this provision against anyone.

In the circumstances, the Committee notes the Government's statement in its report that the text of any decision made in future by the Constitutional Court in this matter would be communicated to the ILO. It hopes, furthermore, that as soon as an occasion arises to adopt amendments to the Constitution, the text of article 8 will itself be brought into conformity with the Convention.

2. Legislation on employment in the public service. In previous comments, the Committee expressed concern with respect to the discretionary powers relating to appointment, assignment of functions, transfer and termination of staff in the public service provided for in a number of texts. The Committee expressed the hope that the legislation in this respect would be reconsidered in order that decisions concerning the appointment, assignment of functions, transfer and termination 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 the draft bill for an organic constitutional Act to define the basic organisation of the public administration, communicated by the Government. It notes that: article 53 of this text is to protect the security of employment of State administration personnel and lists the legal causes for loss of employment, articles 54 and 55 provide for procedural guarantees, article 57 establishes the right of appeal by public servants and applicants for public service employment against decisions concerning them and article 56 recognises the right of civil servants to exercise political activities in conformity with their constitutional personnel rights - outside the administration and without using their authority for purposes not related to their official functions. The Committee also notes with interest the indication by the Government in its report that a special provision added to the bill is to repeal explicitly Decree No. 2345 of 17 October 1978 under which the Government may terminate employment of any person working in the State administration, in State undertakings or in municipal bodies, irrespective of any other requirement or legal provision in force, and Decree No. 3410 of 26 May 1980 depriving persons assigned to their posts by the President of any guarantee or security of employment. The Committee hopes that the bill thus supplemented will be adopted in the very near future.

3. Legislation on higher education. The Committee notes that according to article 59 of the above-mentioned draft bill concerning the public administration, State higher-educational institutions will be governed by special legislation. The Committee hopes that the legislation currently being prepared will specifically repeal Legislative Decrees Nos. 112 and 139 of 1973, Nos. 473 and 762 of 1974 and Nos. 1321 and 1412 of 1976, which grant delegated heads of universities broad discretionary powers to appoint and relieve from their functions teaching staff and other academic and administrative personnel, to abolish posts and create others, etc., and that the new provisions will again subject decisions on these matters to criteria and guarantees which protect those concerned from any form of discrimination contrary to the Convention. The Government is asked to provide information on legislative developments which have taken place or are under way.

4. Dismissal of teaching staff. In its previous comments the Committee referred to indications submitted to the United Nations General Assembly by the Special Rapporteur appointed by the Commission on Human Rights, concerning the dismissal, in 1980 and 1981, of a considerable number of teaching staff, especially university professors, apparently for political reasons. The Committee also asked the Government to provide information on the transfers and non-voluntary resignations which occurred while temporary Decree No. 3357 of 1980 was in force which enabled the Minister of Education to transfer teachers regardless of existing legal provision; under the Decree, refusal to abide by such a decision was a ground for "non-voluntary resignation".

In its report, the Government indicates that Legislative Decree No. 3357 of 1980 was applied exceptionally to a limited number of persons throughout the country, that many teachers voluntarily requested the application of this exceptional legislation in order to

retire and draw an early pension, and that the Government would effect an inquiry into any specific case on which the Committee might consider detailed information to be required. The Committee takes due note of these indications. It includes a detailed list of dismissals in a direct request to the Government and hopes that the Government will re-examine these cases and take the necessary measures in order to redress the situation of teaching staff relieved of their functions and other persons dismissed by reason of the political opinion that they expressed.

5. The Committee has noted the appeal made by the Conference Committee in 1983 to the Government that, as a token of good will, it reinstate workers in their jobs, it redress the situation of workers affected by discriminatory measures and that it authorise those in exile to return to their country. On this last point, the Government indicates in its report that the return of exiles is outside the scope of the Convention but that it has, of its own initiative, started to adopt decisions with a view to authorising a return to the country and that lists were being prepared for this. The Government adds that, at present, 3,400 persons may return if they wish and that a new system has been set up to facilitate the return to the country of all Chileans abroad who wish to return. The Committee notes these indications.

Cyprus (ratification: 1968)

The Committee notes with interest the Government's statement in its report that, where practices contrary to the provisions of the Convention come to the knowledge of the authorities, even if no specific request for action is received, an inquiry is undertaken by contacting all parties concerned. Where the practice in question is found to constitute discrimination, tripartite consultations are arranged with a view to introducing the necessary modifications. If this tripartite procedure fails to produce the desired results, the Office of the Attorney General is consulted.

The Committee asks the Government to provide in its next report full information on any cases settled in accordance with this procedure and on any progress made in the matter.

Czechoslovakia (ratification: 1964)

The Committee notes that the Government has not supplied the report on the application of the Convention requested by the Conference Committee.

1. In its previous observations, the Committee of Experts had referred to various questions concerning equality of treatment and opportunity in employment and occupation irrespective of political opinion. It had in particular taken into consideration the conclusions reached by the Governing Body in November 1978 after examination of a representation submitted by the International Confederation of Free Trade Unions under article 24 of the ILO Constitution in respect of dismissals and other measures affecting

workers who had signed or supported the "Charter 77" - a document criticising the Government. According to the Government, the measures affecting these workers had been taken not on account of their political opinions, but because they had carried out activities prejudicial to the security of the State or failed to meet the requirements of their employment or of labour discipline. The Government later added that, since 1978, there had been no dismissals based on the ground of "endangering the security of the State" and that, in order to forestall potential future inconsistency with the Convention in cases of dismissal on that ground, 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.

The Committee had noted from the "Digest of Court Decisions" supplied by the Government (No. 9-10/1978, Supreme Court of the Czechoslovak Socialist Republic) that the Regional Court of Ostrava had indicated that not only professional, but also political and moral qualifications are essential conditions for the performance of work and that this concerned in particular workers in supervisory functions. According to the Digest, the Supreme Court of the Slovak Socialist Republic had considered that workers may be dismissed on the basis of 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 had further noted 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.

At the Conference Committee in 1983 a Government representative pointed out that the Supreme Court had interpreted the term "political requirement" in a substantially narrower sense than the Regional Court of Ostrava.

The Committee takes due note of these indications. It hopes that the Government will continue to supply full information on national practice in respect of employment requirements regarding the civic engagement and political qualities of workers, including the nature of jobs to which such requirements apply, their effect on access to employment, dismissals on the ground of non-fulfilment of these requirements, and copies of relevant court decisions.

2. The Committee had also noted the text of the Resolution of the Presidium of the Central Committee of the Czechoslovak Communist Party of 6 November 1970 on cadre and personnel work. Under the terms of 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, and the system of cadres ("nomenklatura") is mandatory for supervisory employees in all spheres of life of the society; employees may be placed into or withdrawn from functions classified in the system of cadres only after approval of the competent Party organ.

On this matter, the Government stated to the Conference Committee in 1983 that in Czechoslovakia, the leading role of the Communist Party was a constitutional principle. From this resulted responsibility for the general economic and social development of the country, including responsibility for the selection and deployment of personnel in top management. According to the Government, this was in no way in conflict with the Convention. Moreover, the Government stated that no ILO Convention could be interpreted in a way which would violate the sovereign and inalienable right of each country to choose its own political, economic and social system.

The Committee takes due note of these indications. It observes that, in view of the Constitutional position of the Communist Party referred to by the Government, the mandatory principles for the selection and deployment of personnel laid down in the Resolution of 6 November 1970 have a bearing on the observance of the Convention. These principles are not limited in scope to Party offices or policy-making functions in Government but extend to supervisory personnel "in all spheres of the society".

The Committee recalls that under Article 1, paragraphs 1(a) and 2, of the Convention, any distinction made on the basis of political opinion which has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation is to be considered discriminatory, and only distinctions, exclusions or preferences based on the inherent requirements of a particular job shall not be deemed to be discrimination.

The Committee hopes that the Government will supply full information on the range of jobs coming under the system laid down in the Resolution of 6 November 1970, on the criteria and procedures applied in selecting and deploying personnel thereunder, and on any measures taken or contemplated in this regard to ensure the observance of the Convention.

Guinea (ratification: 1960)

In its earlier comments, the Committee noted the statement made by the Government in its report for the period from 1 July 1971 to 30 June 1972, that access to employment in the public service and in economic undertakings is obtained through special services set up by the Government upon an initial decision of the Party, which implies, as the Government stated in its report, indirect control by the Party over all the Government's actions. The Government had also previously stated that discrimination based on sex, race, colour, religion, region or nationality is contrary to the principles of the Party. The Committee requested the Government to indicate the measures taken or under consideration to ensure that all discrimination based on political opinion is eliminated.

The Committee notes the information supplied by the Government in its report with reference to section 44 of the 1958 Constitution and to Decree No. 84/PRG of 31 March 1965. The Committee notes that under the terms of section 44 of the Constitution, the citizens of the Republic of Guinea have the same right to work, rest periods, social security and education. Decree No. 84/PRG of 31 March 1965 defines the administrative terms and conditions of recruitment and appointment of permanent non-official personnel to state companies and undertakings, governed by the Labour Code. The Committee observes that these provisions do not appear to ensure the elimination of political discrimination in respect of access to employment in the public service indicated subsequently by the Government. The Committee hopes that the necessary measures to ensure the elimination of all discrimination based on political opinion in employment and occupation will be taken, or, if they already exist, that the Government will supply information about them.

Islamic Republic of Iran (ratification: 1964)

The Committee has noted the information supplied by the Government to the Conference Committee in 1983.

In its previous comments, the Committee noted that, by virtue of articles 12 and 13 of the Constitution of the Islamic Republic of Iran, the religion of the State is Islam, the dogma being that of the Jafari Ithna Ashari sect, and the Iranian Zoroastrians, Jews and Christians are the only recognised religious minorities who are free, within the limits of the law, to practice their religion and to act, in respect of their personal status and religious persuasion, according to their dogma. The Committee had also taken note of the Report of the Secretary-General of the United Nations to the Commission on Human Rights of the United Nations at its 38th Session (E/CN.4/1517). The Secretary-General referred, *inter alia*, to documents from which it appeared 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 has been put on non-Baha'i employers to dismiss their employees belonging to this group, and that the majority have concurred; and that on 8 December 1981 the newspaper *Kayhan* carried a Directive from the Ministry of Labour, approved by the Islamic Parliament on 27 September 1981, to the effect that "the punishment for anyone who is a member of the misguided Baha'i group ... is dismissal for life from government service" and that those responsible for entertaining complaints or appeals "are immediately enjoined to cease declaring any verdict in the favour of dismissed

employees whose membership of the misguided Baha'i group has been proved".

The Committee notes the information supplied by the Government to the Conference Committee in 1983 as well as the statements made to this Committee by a Government representative that Baha'ism is not a religion and was not recognised as such by the Constitution of the previous regime, and that neither is it a political party because under article 26 of the Constitution of the Islamic Republic of Iran, political parties may only be established if Islamic principles and the foundations of the Islamic Republic are not threatened. The Government also states that the Islamic Republic is based on the principles of the Koran, that according to these principles other divine revealed religions are respected, and that as the Prophet of Islam was the last Prophet, no new religions after Islam are possible. The Government will therefore not accept to compromise Islamic principles under pressure from those who maintain Baha'ism. Furthermore, the Government states that the Directive from the Ministry of Labour and Social Affairs excluding the Baha'is from all public employment is in conformity with the legislation ratified by the Islamic Consultative Assembly and applies to Baha'is who work in the public sector, that they are free to work in the private sector, that article 14 of the Constitution protects the rights of non-Moslems and that the Baha'is are not prosecuted as Baha'is but as spies, which in fact accounts for their exclusion from the public service.

The Committee notes these statements. It observes that the provisions contained in the Directive of the Ministry of Labour and Social Affairs, adopted pursuant to the decisions of the Islamic Parliament of 27 September 1981, establish that those who belong to "the misguided Baha'i group" are excluded for life from government services; these provisions apply to all employees of governmental agencies and of factories, banks, companies and institutions operated by, or affiliated to the Government, irrespective of the protection given them by the labour legislation. It notes that "purge" committees have been established in the various administrations and undertakings concerned in order to apply these provisions.

The Committee has also taken note of an official report of the Oil Ministry published on 6 April 1983 in the newspaper Etele'at, issue No. 16980, submitted to the Commission on Human Rights of the United Nations at its 40th Session. According to this report, out of 783 officials of this Ministry dismissed for life, 153 were dismissed for such reasons as collaboration with the disbanded SAVAK, for activities detrimental to security such as for spying, immorality, corruption or effective efforts towards the restoration of the previous regime, while the 630 other officials were dismissed for their membership of the "misguided Baha'i group ... which is an heretical group outside Islam", membership in free-masonry or membership in organisations whose constitutions imply atheism and which have been banned.

The Committee expresses its concern at the adoption of measures which make it possible to dismiss and definitively exclude various categories of persons both from the public service and from public, semi-public and joint enterprises in the State sector (at present the

principal employer) on the grounds of their religion or membership of a religious sect or their political opinion.

The Committee recalls that under Article 3(d) of the Convention the Government is obliged to follow a policy of non-discrimination concerning employment under the direct control of a national authority. Furthermore, by virtue of Article 3(c) the Government must repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy of non-discrimination.

The Committee hopes that the Government will examine the above-mentioned provisions in the light of the requirements of the Convention and will communicate in its next report detailed information on all measures taken to bring law and practice into conformity with the Convention.

The Committee further hopes that the Government will supply in its next report detailed information on the measures taken to ensure equality of opportunity and treatment in employment and occupation so as to eliminate all discrimination based, in particular, on sex, national extraction, social origin and political opinion in all sectors of activity. It also hopes that the Government will supply certain texts and information on practices followed concerning access to training, which are the subject of a direct request addressed to the Government.

Norway (ratification: 1959)

The Committee notes the information supplied by the Government in its report and in its statement to the Conference in 1983.

In its earlier comments, the Committee had referred to the conclusions of the Governing Body 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 by Norway of Convention No. 111 (GB.222/18/23, March 1983). The Governing Body had considered that section 55A of the Worker Protection and Working Environment Act, 1977 was drafted in such a way that employers could question job applicants about their political, religious or cultural views where such views were not relevant to the inherent requirements of a given job. The Governing Body had asked the Government to take measures to ensure that section 55A was 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 had also asked the Government to report on all measures taken to ensure conformity with the Convention.

The Committee notes from the Government's statement to the Conference in 1983 that while it intended to submit to the autumn session of Parliament, a proposal for a number of changes in the Workers' Protection and Working Environment Act to deal, inter alia, with the follow-up to the representation, the question of amending section 55A was to be studied after the receipt of legal opinions.

The Committee notes that the Government, in its report, has concluded that section 55A should not be amended. The Government has indicated however, that its proposition to the Odelsting to amend the Working Environment Act will contain a section devoted to explaining more precisely the Government's intention when it introduced the present formulation of section 55A. In addition, reference will be made to the Governing Body Committee's consideration of the representation concerning this matter.

The Committee further notes that the legal opinion from the Ministry of Justice, upon which the Government has relied in determining the action to be taken in this matter, suggests that the recommendations of the Governing Body could be satisfied by measures other than by amending section 55A depending on the "nature and extent" of those measures but that "the most certain way of ensuring that the position in Norway satisfies the Convention, is by adopting a formal amendment".

The Government points out in its report that it has always been intended that section 55A be interpreted in accordance with Convention No. 111 and that the exception clause in the section is to be applicable only where a specific position has significance for the accomplishment of an organisation's particular objectives. In this respect, the Committee would recall the concern of the Governing Body that "in its present wording, ... section 55A ... appears to be drafted in such a way that its exception clause could be applied in respect of jobs that do not by their nature carry with them a special responsibility to contribute to the attainment of the institution's objectives"; and that in order to satisfy Article 1, paragraph 2 of Convention No. 111, "... regard must be had only to the inherent requirements of a given job, i.e. to the actual duties of the job in question and, when necessary, to the direct bearing of these duties on the institution's objectives".

The Committee notes that in a communication of 21 November 1983, the Norwegian Federation of Trade Unions has stated that there is some doubt as to what extent workers in Norway are protected against discrimination both in regard to access to and dismissal from employment. The LO has accordingly reaffirmed its view that section 55A should be amended.

With a view to enabling the Committee to reassess, in the light of full information regarding the manner in which section 55A is effectively applied and interpreted, the need for further action to ensure compliance with the Convention, the Committee requests the Government to transmit, as soon as they become available, the text of the explanatory note that was to be submitted to the Odelsting, the judgement of the Court of Appeal in a case concerning the interpretation given by the Oslo City Court to the 1977 version of section 55A, as well as the texts of any other relevant judicial decisions that may be handed down.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

Spain (ratification: 1967)

The Committee notes the Government's report.

1. The Committee notes with satisfaction the basic Employment Act of 8 October 1980, section 38 of which establishes as basic principles of the employment policy, equality of opportunity and treatment in employment without distinction, exclusion, or preference based on race, sex, religion, political opinion, trade union membership, national extraction or social origin.

The Committee notes with satisfaction Royal Decree 1445 of 25 June 1982, which provides for various measures to encourage employment, including some measures covering groups of workers with special difficulties, including women with family responsibilities.

The Committee notes the decision of 2 July 1981 of the Constitutional Tribunal which interprets Additional Provision No. 5 of the Workers' Statute and eliminates discrimination on the grounds of age which had been established therein, and also the Supreme Tribunal's decision of 5 May 1980, to prohibit discrimination by sex in the fields of employment, remuneration and job classification, according to which any unequal and unjustified treatment is unconstitutional.

The Committee hopes that the body of measures adopted will help to ensure observance of the Convention and that the Government will continue to supply information concerning the measures taken to apply the principle of non-discrimination in employment and occupation.

2. The Committee notes with interest Act 16 of 24 October 1983 establishing the Institute for Women, an autonomous body which aims primarily to promote and encourage conditions which foster the social equality of the sexes, and the participation of women in political, cultural, economic and social life. Amongst its functions, the Institute will promote measures aimed at eliminating existing discrimination in respect of women in society and collect and direct to the administrative authorities, formal allegations lodged by women in concrete cases of discrimination, de facto or de jure, based on sex.

The Committee hopes that the Government will supply information on the activities of the Institute for Women in areas covered by the Convention.

3. In earlier comments the Committee noted that the Decree of 26 July 1957 on industries and work prohibited to women was under revision.

The Committee notes with interest the Government's statement in its report that the revision of the provisions of the Decree of 26 July 1957 on industries and work prohibited to women, will continue its novel approach so as to eliminate all provisions of a discriminatory nature and balance the principle of equality with genuinely justified prohibitions due to the physical constitution of women, their biology and the measures necessary to ensure protection of maternity.

The Committee hopes that the Government will indicate the progress made in this field.

Trinidad and Tobago (ratification: 1970)

The Committee notes with interest from the Government's reply to its previous comments that, inter alia, the following measures have been taken to further implement the recommendations of the original Cabinet appointed Commission on the Status of Women:

- (i) minimum wages and conditions of service have been established in law in two categories of employment which are particularly relevant to women, that is, shop assistants (sales clerks) and household assistants (domestic servants);
- (ii) the necessary legislative amendment has been made to ensure that industrial training in the form of apprenticeship is now available to young women instead of being restricted to boys;
- (iii) separate assessment for income tax purposes has been introduced for married women; and they can now claim a personal allowance equal to that of a man;
- (iv) new citizenship and residence provisions permit women who are nationals to endow their spouses who are foreigners, with the right to enjoy resident status and to work in Trinidad and Tobago.

The Committee hopes that the Government will in its future reports supply information on the activities of the new permanent National Commission on the Status of Women and all measures taken upon its recommendations.

Turkey (ratification: 1967)

1. The Committee previously noted that section 2 of Martial Law No. 1402, as amended by Act No. 2301 of 19 September 1980, makes 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 referred 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 be clearly defined and so worded as not to form a basis for discrimination based upon political opinion, incompatible with the Convention.

The Committee notes the Government's statements in its report and to the Conference Committee in 1983 that, following comments made by the World Federation of Trade Unions (WFTU) according to which 20,000 workers were dismissed during the first six months of 1981 and 5,040 teachers were dismissed in 1981 and 1982, inquiries had been instigated which established that, from September 1981 to 1 April 1983, 422 persons were dismissed from the public sector under Martial Law, 477 for disciplinary reasons and 449 for prolonged absence, making a total of 1,348 dismissals. The Government states that the number of cases has been considerably exaggerated and that the dismissals in public enterprises were to a large degree accounted for by breaches of labour discipline and absenteeism.

The Committee notes these indications which concern the scale of measures taken under Act No. 1402 and having a bearing on the Convention, but do not mention any action taken to bring these provisions into conformity with the Convention. The Committee notes the decision of the National Security Council, dated 10 November 1983, to extend the application of Martial Law No. 1402, for a further period of four months, starting from 19 December 1983.

The Committee further notes that direct contacts between the Government and a representative of the Director-General on the above-mentioned issues took place in September 1983. In the course of these direct contacts the Minister of State in the Prime Minister's Office explained the situation as per 6 September 1983 as follows: the number of persons dismissed from their work comprised 69 university lecturers, 2,442 school teachers, 1,595 civil servants and 424 workers in public enterprises. As regards the 2,442 dismissed school teachers, the Minister wished to emphasise that this figure represented less than 0.5 per cent of the 526,000 school teachers in Turkey. Moreover Law No. 2766, dated 29 December 1982, provided for a review of the cases of all persons dismissed from their work and for the reinstatement of those found suitable for public service. Under this procedure 645 school teachers, 52 civil servants and 14 workers in public enterprises had already been reinstated in their jobs. The process of review was continuing, and further reinstatements were to be expected.

The Committee takes due note of these clarifications and the intentions expressed by the Government. It wishes to recall once more the importance it attaches to the principle that the measures authorised by the Convention in connection with the security of the State or the requirements of certain jobs should not be applied in such a way as to conflict with the basic protection provided by the Convention against discrimination in respect of employment on the grounds of political opinion. It requests the Government to supply further detailed information on the outcome of the cases of dismissal which are still under review.

2. The Committee also notes the 232nd Report of the Committee on Freedom of Association, which refers to allegations communicated to the representative of the Director-General in Turkey that not only were the large majority of persons released from prison still unemployed, as some employers discriminated against them as a result of their connections with DISK, but also some employment contracts included clauses forbidding former detainees to take up a job or rent commercial premises. In this connection, the Committee observes that the provisions of section 1 of Act No. 2836 of 3 June 1983, amending section 3(d) of Act No. 1402, enables Martial Law Commanders to expel from the region under their control, for a period of five years, inter alia, persons suspected of being a threat to national security or public order, and those previously convicted for acts liable to threaten national security or public order, thereby worsening the effect of such practice.

The Committee again urges the Government to take in the near future the measures necessary to eliminate all discrimination contrary to the Convention and hopes that the Government will indicate progress achieved.

[The Government is asked to supply full particulars to the Conference at its 70th Session.]

USSR (ratification: 1961)

The Committee notes the information supplied by the Government in its report and in its communication to the Conference Committee in 1983.

In its previous observation, the Committee had referred to communications of 1 October and 20 December 1982 from the International Confederation of Free Trade Unions, alleging the non-observance inter alia of this Convention. Copies of these communications were transmitted to the Government of the USSR on 12 October 1982 and 10 January 1983 in accordance with established practice, to enable it to comment on them.

In its communication of 1 October 1982 the ICFTU listed a number of Jewish Soviet citizens who were said to have been dismissed from their employment as university teachers, physicists, engineers, biologists or from similar positions after they or members of their families had 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 were stated to have been denied access to employment corresponding to their qualifications. Several of these persons were said to have sought to earn their livelihoods as teachers of mathematics and of the Hebrew language but to have been refused registration with the tax authorities and harassed by the police. A number of them were alleged to have been either threatened with prosecution or actually sentenced for leading a parasitic way of life.

The Committee requested 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.

The Committee notes the Government's reply in its report, in which it states that the question of legislation on emigration and its modification falls outside the sphere of competence of the Committee, and that assertions concerning the presence in all cases mentioned of a causal link between the desire to emigrate and dismissal are totally unfounded.

The Committee wishes to point out that its comments under the Convention are not concerned with the freedom to emigrate, but with allegations concerning the treatment in employment and occupation within the country of a number of Soviet citizens. In view of the allegations concerning the flawless prior employment records of a number of persons and their dismissal and subsequent treatment in employment and occupation, the Committee considers that it would be desirable for the Government to provide information explaining the circumstances of the persons concerned and the reasons for measures affecting their situation in employment and occupation, so as to enable the Committee to ascertain that national practice in this regard is in conformity with the policy, provided for in the Convention, of equality of opportunity and treatment in employment and

occupation irrespective, inter alia, of race, religion, political opinion or national extraction.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Brazil, Chad, Chile, Cuba, Guatemala, Haiti, Iceland, Islamic Republic of Iran, Ivory Coast, Kuwait, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Niger, Panama, Peru, Portugal, Saudi Arabia, Sudan, USSR, Upper Volta, Venezuela.

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 Government has stated in an earlier report that the Maritime Law is inapplicable to fishermen.

The Government refers in its reports to the proposed new Labour Law and to a draft Decree incorporating provisions to implement the Convention. A Government representative stated at the Conference Committee in 1983 that it was hoped that these texts would be adopted soon. The Committee trusts that the Government will soon be able to supply the text of any suitable provision adopted.

Convention No. 113: Medical Examination (Fishermen), 1959

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 Government has stated in an earlier report that the Maritime Law is inapplicable to fishermen.

The Government refers in its reports to the proposed new Labour Law and to a draft decree incorporating provisions to implement the Convention. A Government representative stated at the Conference Committee in 1983 that it was hoped that these texts would be adopted soon. The Committee trusts that the Government will soon be able to supply the text of any suitable provisions adopted.

[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: Liberia, Tunisia.

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

Convention No. 114: Fishermen's Articles of Agreement, 1959

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 draft Decree incorporating provisions to implement the Convention. A Government representative stated at the Conference Committee in 1983 that it was to be hoped that these texts would be adopted soon. The Committee trusts that the Government will soon be able to supply the text of any suitable measures adopted.

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

Uruguay (ratification: 1973)

The Committee has taken note of the communication transmitted through the World Confederation of Labour, to the ILO by the APEEF (Association of Employees on Board Ships of the Fishing Refrigeration Firm of Uruguay (FRIPUR)) in which it is alleged, inter alia, that FRIPUR "does not make labour contracts with its fishermen", and also that expenses for food are deducted from the crews' income.

A copy of the communication has been forwarded to the Government. The Committee would be grateful if the Government would provide its comments on this matter.

* * *

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

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: Djibouti, Iraq, Nicaragua.

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

Sudan (ratification: 1970)

Article 15, paragraph 2, of the Convention. The Committee notes with satisfaction that, following its previous comments, the Labour Relations Act of 1981 fixes in section 27(1) a minimum age for employment in the branches of the economy covered by it. It hopes that it will soon be possible to extend the application of this legislation also to other sectors.

A number of other points are being raised in a request addressed directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Brazil, Nicaragua, Sudan, Syrian Arab Republic, Tunisia.

Convention No. 118: Equality of Treatment (Social Security), 1962

France (ratification: 1974)

Article 3, paragraph 1, of the Convention, branch (d) (invalidity benefit). In its previous comments, the Committee, which had earlier taken note of the observations of the General Confederation of Labour (CGT), in relation to Convention No. 97, concerning the conditions of payment of the allowance for handicapped adults instituted by Act No. 75-534 of 30 June 1975, called the attention of the Government to the fact that the characteristics of this allowance linked it in law to non-contributory social security benefits such as those covered by Article 2, paragraph 6(a), of the Convention and not to assistance benefits. It therefore expressed the hope that effect might be given to this provision of the Convention by guaranteeing the right to the allowance for handicapped adults to the nationals - residing in France - of all States that have accepted the obligations of the Convention (subject to the possibility open to the Government of availing itself of paragraph 2(b) of Article 4 by making the grant of the allowance dependent on a period of residence up to five years).

The Committee observes that the report of the Government and the statements made to the Conference Committee in June 1980 contain no further information on this matter. It notes with interest, however, from the reply of the Minister of National Solidarity to the written question of a senator (Official Gazette of the Senate, 3 April 1982,

p. 906), that the possibility of granting all foreigners the right to the allowance for handicapped adults, subject to a certain period of residence, was being seriously examined. The Committee hopes that the next report of the Government will contain information on the progress made in this connection.

Guinea (ratification: 1967)

In its previous comment the Committee took note of the intention of the Government, declared in particular during the direct contacts held in October and November 1981, to take advantage of the present revision of the Social Security Code to settle the questions raised in the Committee's earlier comments. As no report has been received from the Government this year, the Committee is obliged to repeat its previous observation, which dealt with the following points:

Article 4, paragraph 1, of the Convention. The Government stated in its report for 1970-71 that the term "international conventions" used in section 113 of the Social Security Code was interpreted as referring to Convention No. 118 and that measures would be taken to deal with cases of residence or transfer of residence abroad. The Committee would again request the Government to state in its next report whether, on that assumption, it has taken steps to ensure that foreign workers who are citizens of a State Member for which the Convention is in force, and their survivors, receive benefits in the form of a pension in the same way as nationals without any condition of residence.

Article 5. In its first report the Government stated that old-age and survivors' benefits, death grants and employment injury pensions were paid in cases of residence abroad, but in its report for the period 1970-71 it stated that such payments were subject to the conclusion of agreements with friendly countries. The Committee noted that only one draft agreement of this kind had been planned with Senegal, Mali and Mauritania within the framework of the Organisation of Senegal River States, but that this project was in abeyance. The Committee would stress that, according to the Convention, the payment of the benefits in question must be automatically guaranteed in case of residence abroad, irrespective of the country of residence and even when no agreement has been concluded, both to citizens of Guinea and to citizens of any other State Member which has accepted the obligations of the Convention in respect of the branch in question, agreements with States of residence being justified only as a means of determining, where necessary, the methods of payment. As the legislation in Guinea does not appear to contain any restriction as to the territories in which such benefits may be paid (except for the restriction applying only to the non-nationals mentioned under Article 4 above), the Committee would request the Government to take the necessary steps to apply the Convention in practice in this respect.

Article 6. Since section 38 of the Social Security Code provides that family allowances shall be payable only in respect

of children residing in Guinea, the Committee would once again request the Government to state what measures it proposes to take, by bilateral or multilateral agreement with the States concerned or otherwise, to guarantee the payment of family allowances to all workers covered by Guinean legislation in so far as they are nationals of Guinea or of another State Member which has accepted the obligations of the Convention concerning family allowances, in respect of the children of those workers who are resident in any of those States.

[A list indicating the branches accepted by the States parties to the Convention is annexed to the text sent to the Government].

Italy (ratification: 1967)

Articles 3, 5 and 10, paragraph 1, of the Convention, branch (e) (old-age benefit). In its previous comments, the Committee has drawn the attention of the Government to the fact that the "social pension" to which Italian citizens who are above 65 and who satisfy certain means criteria under section 26 of Law No. 153 of 30 April 1969 are entitled, must be regarded as falling within the purview of this Convention especially as the granting of this benefit is mandatory once the means criteria prescribed are satisfied. It is, therefore, not an assistance benefit excluded from the purview of the Convention but a non-contributory social security benefit of the type referred to in Article 2, paragraph 6(a), of the Convention. In its report, the Government refers to a decision by the European Community Court of Justice of 5 May 1983 that a benefit such as the one provided under section 26 of Law No. 153 of 30 April 1969, in principle, falls within the scope of social security inasmuch as, on the one hand, it places the beneficiaries in a legally defined position apart from any individual or discretionary assessment of their personal needs or situation and, on the other hand, it assures an additional income to the beneficiaries of the social security benefit. The Committee notes this information with interest. It hopes that the Government will be able to reconsider its position in regard to the true character of social pension with a view to applying the Convention, and will indicate in its next report the progress made in this respect.

Suriname (ratification: 1976)

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

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.

Syrian Arab Republic (ratification: 1963)

1. Article 5 of the Convention. The Committee notes with interest the draft decree communicated by the Government amending section 94 of the Social Insurance Code which provides that the recipient of a pension, his dependants as also the dependants of an insured person who leaves the territory of the Syrian Arab Republic may require, among other things, that the pension to which they are entitled be transferred to the country in which they reside subject to their paying the transfer charges. The Committee is of the view that this draft decree once adopted will allow for fuller application of this provision of the Convention, provided that the draft decree applies also to beneficiaries and their dependants resident abroad and that the transfer charges are reasonable. The Committee hopes that the next report will contain information on the progress made in adopting the draft decree in the light of the above comments. Furthermore it requests the Government to provide details on the amount of transfer charges.

2. Article 10. In reply to earlier comments made by the Committee the Government confirms the information communicated previously that refugees and stateless persons are not excluded from the application of the Social Insurance Code. While taking note of this statement the Committee hopes that the Government will not have any difficulty in including an express provision to this effect when the Social Insurance Code comes up for revision.

3. The Government indicates in its report that it does not have any statistics on the number and nature of breaches discovered. The Committee recalls in this respect that its request for information referred essentially to the number of Syrian workers abroad and to the number and nationality of foreign workers employed in the Syrian Arab Republic. It hopes that the Government will be able to communicate this information with its next report either by including it in the

statistical bulletin of the Ministry for Labour and Social Affairs or in any other form.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Bolivia, Central African Republic, Ecuador, Finland, France, Federal Republic of Germany, Iraq, Ireland, Israel, Italy, Jordan, Libyan Arab Jamahiriya, Madagascar, Mexico, Norway, Sweden, Tunisia, Turkey, Zaire.

Convention No. 119: Guarding of Machinery, 1963

Central African Republic (ratification: 1964)

With reference to its previous observations, the Committee has taken note of the information communicated by the Government to the Conference Committee in June 1983, to the effect that the draft decree designed to give effect to the Convention was in the process of adoption. The Committee notes however that the latest report of the Government does not contain any information as to the adoption of this decree. In these circumstances, the Committee can only raise the question again, and trusts that this decree (with the annex provided for in section 1, subsection 3, thereof) will be adopted in the near future and that it will give effect to the following Articles of the Convention: Article 2 (specification of dangerous machines 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 requests the Government to indicate any progress made in this respect.

Congo (ratification: 1964)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which concerned the following point:

Article 2 of the Convention. The Committee notes 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.

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

Guinea (ratification: 1966)

Articles 11 and 17 of the Convention. (a) In reply to the earlier observations of the Committee, the Government refers in its report to the general provisions of the Labour Code concerning health and safety (sections 166 to 169), which are applicable to all workers covered by the Code.

The Committee notes, however, that these provisions, though they cover a wide range of economic activities, do not explicitly lay down - as do Article 11 of the Convention and section 41 of National Order No. 3154/MT of 1982 the latter applying only to the building industry - the prohibition of every worker from using any machinery without the guards provided being in position and from making these guards inoperative. The Committee therefore hopes that the Government will be able to insert a suitable provision in the national regulations (for example, in the Labour Code or the administrative regulations whose adoption is provided for by section 173 of the Code or, again, in a ministerial order) and that it will not fail to indicate in its next report any progress made to this end.

(b) With regard to the application of the Convention in the maritime sector, the Committee notes the statement by the Government to the effect that the texts concerning safety and health on board merchant vessels, whose adoption is provided for by section 185 of the Labour Code, have already been drafted. The Committee hopes that the drafts will be adopted very shortly and that they will contain provisions giving effect to the Convention.

(c) The Committee also asks the Government to state whether measures have been taken to apply the Convention in the agricultural sector, in the light of the provision of paragraph 3(b) of Article 1 of the Convention concerning mobile agricultural machinery.

Jordan (ratification: 1964)

The Committee notes that the Government's report has not been received, and that as a result it has no information as to the possible adoption of the new Labour Code, to which the Government has referred both in the Conference Committee and in its previous reports, and which was to give effect to Part II of the Convention.

The Committee recalls that there is no specific provision in the national legislation prohibiting the sale, hire, transfer in any other manner or exhibition of machinery of which the dangerous parts are without appropriate guards, as required by the Convention. In these circumstances the Committee can only urge the Government once again to take the necessary measures to ensure full application of these essential provisions of the Convention in the very near future (one solution might consist in the adoption of a ministerial order imposing such a prohibition pending the promulgation of the new Labour Code).

The Committee requests the Government to report the progress made in this respect.

Madagascar (ratification: 1964)

Articles 2 to 4 of the Convention. The Committee has for some years been calling attention to the necessity of taking measures to prohibit explicitly - in accordance with these provisions of the Convention - the sale, hire, transfer in any other manner or exhibition of machinery of which the dangerous parts are without appropriate guards.

In its earlier reports, the Government has stated that a new order was being drafted and would be adopted shortly. In its last report, the Government states that this order has not yet been adopted and refers again to Order No. 889 of 20 May 1960; sections 44 to 58 of this Order contain indeed detailed provisions on the guarding of machinery but these provisions are only applicable during the use of the machinery in question and are therefore more limited in scope than the provisions of the Convention.

In these circumstances, the Committee can only repeat its previous comments and it trusts that the Government will not fail to take the necessary measures to give full effect to the Convention on the above-mentioned point. (A possible solution would be to add after section 58 of Order No. 889 a provision prohibiting the sale, hire, transfer or exhibition of machinery not meeting the requirements laid down by section 3 of this Order.)

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

Tunisia (ratification: 1970)

Article 2, paragraphs 2, 3 and 4, and Article 6, paragraph 1, of the Convention. In reply to the earlier observations of the Committee, 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 has not yet been adopted but that consultations are continuing with the departments concerned and the employers' and workers' organisations with a view to clarifying all the technical aspects of the draft.

The Committee trusts that the order in question will be adopted very shortly with a view to giving effect to the Convention and that it will also prohibit - as provided by Article 2, paragraph 2, of this instrument - the transfer in any other manner or exhibition of machinery of which the dangerous parts are without appropriate guards.

The Committee requests the Government to indicate in its next report any progress made in this connection.

Turkey (ratification: 1967)

1. The Committee takes note of the information supplied by the Government to the Conference Committee in June 1983 and also in its report, and notes with satisfaction that the Regulations on the guarding of machinery - which the Government has mentioned in its earlier reports - have been adopted and came into force on 17 May 1983. The Committee has examined these Regulations and notes that they give effect to Article 2, paragraphs 3 and 4, and Article 10, paragraph 1, of the Convention, which were among the subjects of its previous comments and which relate respectively to the guards that machinery must be provided with in the event of sale, hire, transfer in any other manner or exhibition and the obligation of the employer to bring national laws or regulations relating to the guarding of machinery to the notice of workers and to instruct them regarding the dangers arising therefrom and the precautions to be observed.

2. The Committee also notes with interest that the Turkish Standardisation Institute has already prepared draft "Safety Standards in General Terms" and "Safety Standards for Woodworking Machinery", and that the drafts have been communicated to the agencies and organisations concerned for their comments. The Committee hopes that these standards will be adopted shortly and that the above-mentioned Institute will continue its work in this field. The Committee asks the Government to provide copies of the texts in question with its next report.

3. The Committee further hopes that the practical application of the Regulations of 17 May 1983 on the guarding of machinery and of the above-mentioned standards will be ensured by an appropriate inspection service and that the obligation to ensure that dangerous machinery is provided with the guards prescribed by the Convention will be imposed by an express provision on persons selling, hiring, transferring in any other manner or exhibiting such machinery and, where appropriate, on their respective agents, as provided by Articles 4 and 15, paragraph 2.

As to Article 17, which has also been a subject of earlier comments, the Committee notes that the 1983 Regulations cover only commercial and industrial establishments. It therefore again expresses the hope that the Government will take the necessary measures to extend the scope of these Regulations to agriculture and to maritime and air transport, since the Convention covers all branches of economic activity.

* * *

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

Convention No. 121: Employment Injury Benefits, 1964Belgium (ratification: 1970)

Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Royal Decree of 26 November 1982 (amending the Royal Decree of 11 July 1969) which includes in the list of work involving a risk of anthrax infection, the work mentioned in schedule I, annexed to the Convention and, in particular, the operations of "loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax".

Guinea (ratification: 1967)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which dealt with the following matters:

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 nitroand 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 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. 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).

Zaire (ratification: 1967)

1. Article 8 of the Convention. In reply to the Committee's earlier comments, the Government indicates that the competent technical services have just completed a draft text designed to supplement the list of occupational diseases annexed to Ordinance No. 66-370 of 29 June 1966 but that this draft has yet to be approved by a specialised technical committee before being submitted to the National Labour Board. The Committee notes this information. As comments have been issued on this matter for many years, the Committee cannot but insist that the draft text be adopted in the very near future in order that the following occupational diseases be added to the list provided for under the legislation: (a) diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series and (b) diseases caused by benzene or its toxic homologues in accordance with the provisions of the Convention.

2. Article 23. Referring to its earlier comments, the Committee notes with interest the information communicated by the Government on the setting up and operation of the national and regional social security commissions, seven out of nine of which are currently in operation. It also notes that certain problems due to the complexity and slowness of the procedure have been encountered so that it appears necessary to seek solutions involving a simplification of the current procedures which are of difficult access to the persons concerned. The Committee hopes that the two regional commissions which have yet to be established, will be established in the near future and that the necessary measures can be taken to improve the operation of the regional commissions and to find solutions better adopted to the needs of the beneficiaries. It requests the Government to indicate in its future reports progress made to this end.

3. The Committee took note with interest of the report of the mission effected in April 1982 by the members of the regional Social Security Commission of Eastern Kasai. It notes that, according to

the information contained in the said report, certain difficulties in the operation of the social security system had been encountered in the region (delays in payment of benefits, erroneous basis taken into account when calculating benefits). The Committee would be grateful to the Government if it could indicate any measures taken or envisaged by the National Social Security Institute for improving the situation, in so far as those difficulties also concern benefits paid in cases of employment injury.

4. The Committee once again requests the Government to communicate detailed information on the manner in which all of the provisions of the Convention are put into effect, with reference to the various questions which are included in the report form adopted by the Governing Body.

* * *

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

Convention No. 122: Employment Policy, 1964

Canada (ratification: 1966)

1. Further to its previous observation, the Committee has noted the information in the Government's report for the period ending June 1982, and in the supplementary report. It has also noted the discussion which took place in the Conference Committee in 1981, and the comments received from the Canadian Labour Congress (CLC) in September 1983.

2. The Government's report gives a detailed account of various policies and measures related to employment. It indicates that improved efficacy and increased emphasis on certain programmes are recommended by the three task forces on employment questions referred to previously. The kinds of programmes cited include post-secondary training; labour market information and placement services; job opportunities for women, Native people, and the disabled; longer-term community-based economic development in job-creation programmes; reduction in government support for declining industries and increased use of employment-related cash grants to employers; and assistance to workers to move from declining industries to growth industries. The Government indicates that these recommendations are the foundation for the federal commitment to consultation with provincial governments and elements of the private sector, and that it has already acted on some of them. However, no major overhaul of the current approach is envisaged.

3. The CLC in its comments states that the reductions in spending by federal and provincial governments on services and public works have had a shattering effect on the economy, and have led to unemployment of 13 per cent or over 1,500,000 people. In particular, the CLC states that the proposed Public Sector Restraint Act, 1983

Bill 3, of British Columbia is incompatible with the Convention, since it would be used to eliminate 10,000 jobs in the province and thus cannot be considered a policy which promotes economic development, raising standards of living and overcoming unemployment. The CLC also states that the Government of British Columbia did not consult any of the groups concerned over the proposed legislation in question. The Committee hopes that the Government will express its views on the CLC comments, which were communicated to it in October 1983.

4. In its supplementary report, the Government indicates that employment grew by 0.6 per cent in the year ending June 1983, although unemployment had also risen to 12.2 per cent; the latter fact is attributed to re-entry into the labour force of workers encouraged by the economic recovery. Trends in 1983 show employment growing more rapidly than the labour force, so that unemployment should fall as the recovery strengthens. In the Government's view, in order to assure a higher and more stable level of employment in the medium term, inflationary pressures must be reduced through appropriate fiscal and monetary policies. Consumer spending and the Gross National Expenditure both grew in the second quarter of 1983, and this should provide the necessary stimulus to create more permanent jobs, according to the Government. The Government has adopted budgetary measures to support both private and public investment, and to create employment directly through the expansion of the New Employment Expansion and Development (NEED) Programme and of youth employment and training.

5. The Committee welcomes the information provided by the Government indicating an economic recovery in 1983 with favourable consequences for employment, although it notes that the rate of unemployment has remained at a much higher level than that indicated in the Government's previous reports on the Convention. The Committee has duly noted the various measures taken and proposed by the Government as part of its employment policy. It hopes that the Government will continue to supply full details in its reports on the evolution of the employment situation, and on the measures taken and results achieved in particular in relation to the various questions raised above, namely (a) the specific recommendations of the three task forces; (b) the consequences on employment of fiscal and monetary policies, investment policies, and prices and incomes policies; (c) the policies adopted nationally and in the provinces to ensure the matching of labour supply and demand, with particular regard to the questions raised by the CLC; and (d) the consultation of persons affected by employment policy measures, including representatives of employers and workers (Article 3 of the Convention).

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes that for the second year in succession the Government's report has not been received. The Committee hopes that the Government will not fail to send a report in time for examination at its next session in the form adopted by the ILO Governing Body and

that the report will contain full information on the points raised in a direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Bolivia, Brazil, United Republic of Cameroon, Costa Rica, Djibouti, Ecuador, German Democratic Republic, Honduras, Islamic Republic of Iran, Iraq, Israel, Jamaica, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mongolia, Morocco, Nicaragua, Norway, Panama, Paraguay, Peru, Senegal, Sudan, Suriname, Thailand, Tunisia, Uganda, Uruguay, Zambia.

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

Rwanda (ratification: 1970)

In its earlier comments the Committee has pointed out that Circular No. 221/2243/10/273/325 of 29 December 1970 and Presidential Order No. 111/09 of 17 April 1978, which are again mentioned by the Government in its report, are not enough to give full effect to the Convention.

The Government has for some years been stating that a draft order has been prepared under section 124 of the Labour Code with a view to prohibiting young persons under 18 years of age from being employed or working underground in mines and quarries, in accordance with Article 2 of the Convention.

The Committee, observing that this draft has not yet been adopted, trusts that it will be adopted very shortly and that it will also provide for appropriate penalties to ensure the effective enforcement of the Convention, in accordance with Article 4, paragraph 1, of this instrument (the penalties provided for by the above-mentioned Presidential Order do not cover the application of the Convention). The Committee also hopes that measures will be taken (for example through the insertion of a suitable provision in the draft order in question) so that the registers that the employer must keep, under section 5 of the Presidential Order of 17 April 1978, shall contain, for young persons under 20 years of age, the dates of birth, duly certified wherever possible, and the dates at which they were employed or worked underground in the undertaking for the first time, and that an obligation shall be placed on the employer to make available these registers (or lists of the persons in question) not only to the inspectors but also to the workers' representatives at their request, as provided by Article 4, paragraphs 4 and 5.

The Committee requests the Government to provide information on any progress made in this connection.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Uganda (ratification: 1967)

The Committee notes with satisfaction from the Government's reply to its earlier comments that section 41 of the Employment Regulations requires the employers to make available to the workers' representatives, at their request, lists of persons under the age of 18 who are employed underground, in conformity with Article 4, paragraph 5, of the Convention.

The Committee also hopes that the Government will be able to indicate, as requested previously, whether any amendment has been made to section 51 of the Employment Decree of 1975 (brought into force in 1977), to eliminate the exception to the prohibition against underground work concerning apprentices, which is not provided for by Article 2, paragraph 1, of the Convention.

Zambia (ratification: 1967)

Article 2 of the Convention. In reply to the Committee's earlier comments regarding the adoption of the proposed amendments to section 2117 (2) of the Mines Regulation, 1971, the Government states that appropriate authorities are taking the necessary steps and that the exercise will soon be completed. The Committee hopes that these amendments will be adopted shortly and that they will provide for the restriction to persons over 16 years of age of the exception, for purposes of apprenticeship or vocational training, to the prohibition of underground work or employment, thus giving full effect to the Convention.

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

[The Government is asked to report in detail for the period ending 30 June 1985.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Australia, Belgium, Bolivia, Cyprus, Djibouti, Gabon, Madagascar, Malaysia, Nigeria, Saudi Arabia, Thailand, Uganda.

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

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

Convention No. 125: Fishermen's Competency Certificates, 1966

Sierra Leone (ratification: 1967)

The Committee notes from the Government's report that comprehensive legislation for the fishing industry is still under consideration by the Ministry of Natural Resources.

The Committee must observe once again that there are no national laws or regulations giving effect to the Convention. It trusts that the Government will be able to adopt the necessary measures in the very near future.

[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: France, Panama, Senegal, Syrian Arab Republic, Trinidad and Tobago.

Convention No. 127: Maximum Weight, 1967

Algeria (ratification: 1969)

With reference to its earlier observations, the Committee notes from the report of the Government that the Basic Act respecting the prevention of occupational risks and the various regulations concerning the protection of workers employed in particular on the handling of merchandise, which have been mentioned by the Government in its earlier reports and in the information communicated to the Conference Committee in June 1982, have not yet been adopted. According to the Government, this legislation was to be adopted at the latest during 1983 and was to contain provisions giving effect to the Convention.

The Committee trusts that the above-mentioned laws and regulations will be adopted in the very near future and that they will give full effect to all the provisions of the Convention in both the private and the public sectors.

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

Chile (ratification: 1972)

The Committee takes note of the information supplied by the Government to the Conference Committee in 1983 and in its latest report in reply to the earlier observations. It notes in particular that Presidential Decree No. 655 of 7 March 1941 to issue the general Regulations on occupational safety and health, which is referred to by the Government, covers all branches of activity, in accordance with Article 2 of the Convention.

Articles 3 and 4. The Committee notes that section 57 of the above-mentioned Decree, which refers to operations of loading and unloading in docks, fixes the maximum weight of a load that may be transported by a single man at 80 kg, but that section 252, which is general in application, authorises heavier weights "in cases tolerated by the law".

The Committee also notes the observations communicated by the Single Central Organisation of Chilean Workers (CUT). According to these observations, the adoption of Act No. 18018 of 1981 (which repealed the provisions of Legislative Decree No. 2200 of 1978 on the maximum weight of loads) has given rise to abuses, the limit of 80 kilograms often being exceeded.

The Committee notes the statement by the Government in this connection to the effect that the labour inspection and health services have observed no infringements of the provisions of the Convention, but it would like to call attention to the provisions of the Maximum Weight Recommendation, 1967 (No. 128), which supplements the Convention and advocates in Paragraph 14 a maximum weight of 55 kg for a load. The Committee hopes that the Government will reconsider the question in order to give fuller effect to these two Articles of the Convention, all the more so as the general provisions of Acts Nos. 6174 of 1938 respecting preventive medicine and 16744 respecting industrial accidents are not sufficient to ensure the full application of the Convention in practice.

Article 7. The Committee has observed that the national laws contain no explicit provision limiting the assignment of women and young workers to the manual transport of loads other than light loads and establishing a maximum weight for them substantially lower than that permitted for men, in accordance with the Convention. It has noted, however, that the national laws (sections 24 and 25 of Legislative Decree No. 2200 and sections 225 and 229 of Decree No. 655) establish a general prohibition of the employment of women and young persons under 18 years of age on underground work and other dangerous and unhealthy work and also on work that is beyond their strength. It has therefore asked the Government to state whether there is any ministerial resolution or instruction establishing a list of prohibited work and occupations, and whether the list includes the manual transport of loads or indicates a weight considered to be excessive.

In its last report, the Government states that no such provision has yet been adopted, but that the suggestions of the Committee will be taken into consideration in the resolution or instructions to be issued. The Committee takes note of this statement and hopes that it will be explicitly laid down in the national laws and regulations that the assignment of women and young workers to the manual transport of loads shall be limited and that the maximum weight that these workers may carry shall be fixed at a limit substantially below that permitted for an adult male. The Committee requests the Government to report any progress made in this connection.

Madagascar (ratification: 1971)

With reference to its earlier observations, the Committee observes, from the report of the Government, that the measures to limit the weight of loads that may be transported by adult men, which were to be laid down in the decrees issued under the Labour Code, have not yet been adopted, but that the Government intends to take these measures during the revision of the present texts. The Committee notes with interest, however, the information to the effect that the works for the manufacture of jute and plastic sacks for packing rice, flour, etc. now observe the 50 kg standard, the old sacks of 70 or 75 kg being no longer manufactured in Madagascar.

The Committee hopes that the Government will have no difficulty in giving statutory effect to the present practice - as it has done for women and young workers - and that it will indicate any progress made in its next report.

* * *

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

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

Requests regarding certain points are being addressed directly to the following States: Bolivia, Ecuador, Libyan Arab Jamahiriya, Uruguay.

Convention No. 129: Labour Inspection (Agriculture), 1969France (ratification: 1972)

Article 14 of the Convention. The Committee takes note of the information provided by the Government in reply to its previous observation. It observes that several budgetary posts for members of the labour inspection service assigned to the Ministry of Agriculture and supervisors of social laws will not be filled, even after the 1983 recruiting competitions. The Committee hopes that the Government will maintain its efforts to keep the actual numbers of the inspection staff as close as possible to the numbers under the budget, and asks it to provide information on any progress made in this connection.

Articles 26 and 27. The Committee notes that no report on the work of the labour inspection service in agriculture has yet reached the ILO. However, it takes note with interest of the statement by the Government that the annual report on the work of the external services for agricultural labour and social protection for the year 1983 will shortly be completed and transmitted to the ILO. It hopes that in future these reports, containing all the information called

for by Article 27 of the Convention, will be published regularly and transmitted to the ILO within the periods laid down by Article 26.

Netherlands (ratification: 1973)

The Committee has taken note of the observation of the Confederation Netherlands Trade Union Movement communicated by the Government to the effect that the state of observance of regulations in agriculture is unsatisfactory mainly because of the shortage of inspection staff and of a tendency of the Labour Inspection in Agriculture to replace verification and penal sanctions with specifically aimed advice and general information.

The Committee 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 Confederation Netherlands Trade Union Movement.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Colombia, Costa Rica, Denmark, Federal Republic of Germany, Guyana, Kenya, Madagascar, Malawi, Morocco, Netherlands, Norway, Romania, Spain, Syrian Arab Republic, Upper Volta, Uruguay, Yugoslavia.

Information supplied by France and the United Kingdom in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: Bolivia, Ecuador, Libyan Arab Jamahiriya.

Convention No. 131: Minimum Wage Fixing, 1970

Spain (ratification: 1971)

The Committee refers to its previous comments regarding the need to apply the Convention to domestic workers, who number over one million, and to the previous observation by the General Union of Workers and the Trade Union Confederation of Workers' Commissions regarding this question.

The Committee notes in this connection the statement by the Government, to the Conference Committee in 1983, that it has the firm intention to submit a bill concerning the domestic workers' special labour relation as soon as possible, and that the examination of this question is at a very advanced stage.

The Committee hopes that the Government will indicate in its next report the progress achieved on this question.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Costa Rica, Kenya, Swaziland, Upper Volta, Yemen.

Convention No. 132: Holidays with Pay (Revised), 1970

Requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Kenya, Upper Volta, Yemen.

Convention No. 134: Prevention of Accidents (Seafarers), 1970

Finland (ratification: 1974)

Further to its previous comments the Committee notes with satisfaction that the Decisions of the Council of State concerning working environment on board ship (12 June 1981/417) and rules of organisation on board ship (11 June 1981/418) and the Decision of the Ministry of Commerce and Industry concerning the transportation of dangerous substances on board ship (16 May 1980/357) give effect to Article 4, paragraph 3(a), (b), (d), (g) and (h), of the Convention.

Greece (ratification: 1977)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Presidential Decree No. 1349 of 26 November 1981, which came into force in 1982, to approve the Regulations respecting the prevention of accidents on board ship, which contain provisions corresponding to those of Article 4, paragraph 3(a) and (i), of the Convention (general and basic provisions and personal protective equipment).

The Committee also takes note with interest of the instructions issued by the Inspection Service of the Ministry of the Merchant Marine with a view to giving effect to the above-mentioned Regulations and of the statistics concerning accidents occurring to seafarers during the period 1980-82, which have been supplied by the Government with its report and are drafted in accordance with the provisions of Article 2 of the Convention. The Committee hopes that the Government will continue to supply similar statistics.

Mexico (ratification: 1974)

With reference to its earlier comments, the Committee notes with satisfaction, from the report of the Government, that Instruction No. 19 of 1981, issued under the General Regulations of 1978 on occupational safety and health, provides for the establishment and working of joint occupational safety committees for the prevention of accidents, in accordance with Article 8, paragraph 3, of the Convention.

The other points mentioned earlier by the Committee are dealt with in a request addressed directly to the Government.

Romania (ratification: 1975)

The Committee has for some years been asking the Government to provide certain additional information to enable it to form a better impression of the way in which the Convention is applied.

In its previous report the Government referred to certain statutory provisions applying to sea transport, but did not enclose the text or make a precise reply to the questions asked by the Committee in its earlier comments.

The Committee notes that the last report of the Government does not reply to these comments either. It is bound, then, to return to the questions raised before, hoping that the Government will not fail to:

- (a) provide a copy of or extracts from the reports that are drafted, as the Government states, every six months as a rule, on occupational accidents occurring to seafarers, reports containing the number of these accidents, their nature and causes and the measures taken to avoid similar risks in future. The Committee also asks the Government to provide further details on the studies carried out at the request of the Department of Sea Transport on methods to be used with a view to eliminating these accidents (Article 2 of the Convention and Point V of the report form on this Convention);
- (b) indicate, among the various standards quoted in the report of the Government, the provisions that give effect to Article 4, paragraphs 2 and 3, and Article 5 (measures for the prevention of accidents peculiar to the work of seafarers relating to certain particular aspects such as machinery, anchors, chains and lines, dangerous cargo and loading and unloading equipment - and the obligation of the persons concerned to comply with these measures). The Government is requested to communicate the text of the provisions;
- (c) state whether the text or a summary of the above-mentioned provisions is brought to the attention of seafarers, for instance by display in a prominent position on board ship, with an indication of the regulations or instructions enforcing this obligation, in accordance with the provisions of Article 6, paragraph 4.

[The Government is asked to report in detail in the period ending 30 June 1984.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Denmark, Finland, France, Greece, Guinea, Israel, Mexico, New Zealand, Nigeria, Poland, Spain, Uruguay.

Convention No. 135: Workers' Representatives, 1971

Gabon (ratification: 1975)

Referring to its previous direct requests and the observation formulated under Convention No. 98, the Committee notes that, according to the Government's report, no legislative measures have been taken to provide protection to workers' representatives against acts of anti-union discrimination other than dismissal. However, it does note the Government's statement that the fact of being a workers' representative or carrying out the activities of a workers' representative, belonging or not to a trade union or participating in trade union activities do not constitute reasons for refusal to employ a worker and cannot be used to prejudice a worker during the employment relationship.

In the absence of more specific legislative provisions, the Committee requests the Government to supply any court judgements, collective agreements, etc., showing that workers' representatives enjoy, in practice, adequate protection against acts which could be prejudicial to them.

Mexico (ratification: 1974)

Referring to its previous direct requests, the Committee notes that the Government has decided against amending the Federal Labour Act to provide further protection to workers' representatives against acts prejudicial to them, other than dismissal. However, it does note the Government's statement that section 133, paragraph VII of that Act amply covers any such situation.

In the absence of more specific legislative provisions, the Committee requests the Government to supply any court judgements, collective agreements, etc., showing that workers' representatives enjoy, in practice, adequate protection against acts which could be prejudicial to them.

Portugal (ratification: 1976)

The Committee notes the information supplied in the Government's report which includes certain observations made by the Portuguese

Confederation of Industry concerning the lack of a clear definition in Portuguese legislation of trade union activity, the practical incompatibility of the rights of workers' representatives with the efficient functioning of undertakings especially with regard to discipline and the lack of a constitutional guarantee including employers' organisations on the same footing as workers' organisations in the elaboration of labour legislation. The Committee also notes the Government's detailed replies to these criticisms.

Having examined this information and the observations of the Confederation of Industry the Committee concludes that the comments made by the Confederation do not contain information which might bring into question the application of the Convention.

Romania (ratification: 1975)

The Committee refers to its previous direct requests in which the Government was asked to specify whether the draft Trade Union Act - mentioned by the Government in connection with Conventions Nos. 11 and 87 - will contain provisions aimed at protecting workers' representatives against measures which could prejudice them and which could be the result of their status or activities as workers' representatives.

The Committee accordingly requests the Government to state whether or not the revision of the trade union legislation has taken place and, if so, to communicate copies of any new legislative provisions that have been adopted.

Sri Lanka (ratification: 1976)

With reference to its previous observation, the Committee takes note of the copies of recent collective agreements supplied by the Government which contain provisions to ensure protection of workers' representatives against acts prejudicial to them, as well as facilities to carry out their functions as required under Articles 1 and 2 of the Convention.

The Committee notes that the Government again refers - as it has since 1980 - to proposed legislative amendments which will contain provisions guaranteeing the protection of workers' representatives against prejudicial acts based on their status or activities as required under Article 1 of the Convention. As the Committee is following the question of the proposed new Labour Relations Law in its examination of Convention No. 98, it requests the Government to supply a copy of this Law as soon as it is adopted.

The Committee notes that the Government undertakes to send a copy of the Establishments Code, concerning public servants and employees in public corporations, which is being revised, as soon as it is printed.

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In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Guinea, Jordan, Nicaragua, Yemen.

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

Convention No. 136: Benzene, 1971

Cuba (ratification: 1972)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Regulations of 28 December 1979 on the handling, transport, storage and use of injurious chemical substances and also of the adoption of the Cuban Standard for Benzene of 1981 (NC 19-01-16), which give effect to the following provisions of the Convention: Article 1 (b); Article 2; Article 4; Article 6, paragraph 3, and Article 9.

Certain questions concerning the application of Article 4, paragraph 1, and Article 9, paragraph 1, of the Convention are raised in a request addressed directly to the Government.

Finland (ratification: 1976)

Following its previous comments, the Committee notes with satisfaction that the Resolution of the Council of State concerning work involving exposure of workers to benzene (No. 355 of 12 June 1982) has been adopted and entered into force on 1 January 1983. This resolution gives effect to Article 1; Article 4, paragraph 2; Article 6, paragraphs 2 and 3; Article 8, paragraph 2; and Article 13 of the Convention.

Federal Republic of Germany (ratification: 1973)

With reference to its previous comments the Committee notes with satisfaction that the revised Dangerous Substances Ordinance of 17 February 1982 and the new Regulations concerning protective measures in work with carcinogenic substances of 1 October 1982 contain provisions giving full effect to Article 7, paragraph 1, of the Convention.

Ivory Coast (ratification: 1972)

The Committee takes note of the information provided in the report in reply to its earlier observations. It notes in particular the statement by the Government to the effect that new provisions on the use of benzene will shortly be considered with a view to conforming more closely to the requirements of the Convention and that the employers' and workers' organisations have already been consulted

on the matter. The Committee hopes that these provisions will be adopted in the very near future and that they will take account of the following points, which the Committee has been raising for a number of years.

Articles 1 and 4 of the Convention. Under the national regulations (Decree No. 67-321 of 21 July 1967), the application of the provisions on the prevention of benzene poisoning (establishments and occupations covered; prohibition of use as a solvent or diluent) is determined on the basis of the level of distillation of the products containing benzene that are used, whereas the scope of the Convention is determined - in respect of the use of products containing benzene - on the basis of a benzene content of 1 per cent by volume.

Article 2. The national regulations do not explicitly provide, as the Convention does, for the substitution for benzene and products containing benzene of harmless or less harmful products whenever they are available.

Article 6, paragraph 2. The national regulations (Labour Code and Decrees issued under it) provide that the existing means of ventilation shall guarantee a maximum concentration of benzene in the air of the places of employment equal to 0.1 g/m^3 , whereas under the Convention the maximum permissible concentration of benzene must not exceed 25 parts per million, that is to say 80 mg/m^3 .

Article 8, paragraph 1. The national regulations do not provide, as the Convention does, that workers who may have skin contact with liquid benzene shall be provided with adequate means of personal protection against the risk of absorption through the skin.

Article 11, paragraph 2. Under the national regulations young persons under 18 years of age can be employed on work that may cause benzene poisoning subject to special authorisation by a physician and under medical supervision, whereas the Convention authorises such exceptions only for young persons undergoing education or training who are under adequate supervision, which is not only medical but also technical.

The Committee hopes that the Government will not fail to indicate in its next report any progress made on the above-mentioned points.

[The Government is asked to report in detail for the period ending 30 June 1985.]

Kuwait (ratification: 1974)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Ministerial Order No. 57 of 15 March 1982 respecting protection against the risks of poisoning due to benzene. This Order gives effect to the provisions of the Convention, except Article 6, paragraph 2, and Article 8, paragraph 2, on which certain explanations seem to be necessary.

The points on which explanations are necessary are set forth in a direct request to the Government.

Morocco (ratification: 1974)

The Committee notes with regret that the report of the Government contains no reply to the comments it has been making for a number of years.

In the report received in 1980, the Government stated, however, that these comments would be taken into consideration in the supplementing or amending, as the case might be, of the provisions in the regulations of the draft Labour Code.

Since most of the provisions of the Convention are not applied at present, the Committee trusts that the necessary measures will be taken in the very near future and that they will cover the following points:

Articles 1 and 3, paragraph 1, of the Convention (the question whether the national provisions concerning the prevention of benzene poisoning are to be applied to certain activities to be determined on the basis of a benzene content of 1 per cent by volume of the products used).

Article 2 (harmless or less harmful substitute products to be used instead of benzene or products containing benzene whenever they are available).

Article 4 (processes to be specified in which the use of benzene or products containing benzene is prohibited).

Article 6, paragraph 2 (the maximum permissible concentration of benzene in the air of workplaces to be fixed) and paragraph 3 (directions to be issued on carrying out the measurement of the benzene concentration in the air).

Article 8, paragraph 1 (adequate means of personal protection to be provided for workers who may have skin contact with liquid benzene or liquid products containing benzene).

Article 11, paragraph 2 (persons under 18 years of age not to be employed in work processes involving exposure to benzene or products containing benzene except when they are undergoing educational training and are under adequate technical and medical supervision).

Article 12 (the word "benzene" and the necessary danger symbols to be clearly visible on any container holding benzene or products containing benzene).

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: Bolivia, Colombia, Cuba, Ecuador, Finland, France, Federal Republic of Germany, Greece, Guinea, Iraq, Kuwait, Nicaragua, Romania, Switzerland, Syrian Arab Republic, Uruguay, Yugoslavia, Zambia.

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

Convention No. 137: Dock Work, 1973

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Iraq, Nicaragua, Poland.

Convention No. 138: Minimum Age, 1973

Requests regarding certain points are being addressed directly to the following States: Bulgaria, Byelorussian SSR, Costa Rica, Finland, German Democratic Republic, Federal Republic of Germany, Honduras, Ireland, Israel, Libyan Arab Jamahiriya, Luxembourg, Netherlands, Nicaragua, Niger, Norway, Poland, Rwanda, Spain, Zambia.

Information supplied by the Ukrainian SSR and the USSR in answer to a direct request has been noted by the Committee.

Convention No. 139: Occupational Cancer, 1974**Denmark (ratification: 1978)**

With reference to its earlier comments, the Committee notes with satisfaction that section 19 of Order No. 540 of 2 September 1982 provides for the replacement of harmful substances and agents (including carcinogenic substances and agents) by less harmful substances and agents, in accordance with Article 2, paragraph 1, of the Convention.

Guinea (ratification: 1976)

The Committee has been calling the attention of the Government for a number of years to the necessity of taking steps, through laws or regulations or any other method consistent with national practice and conditions, to ensure the protection of workers against carcinogenic substances and agents, so as to give effect to the Convention.

In its previous report, the Government stated that the necessary consultations would take place with the services concerned and that the ILO might be asked for assistance with a view to preparing suitable regulations on the matter. The Committee observes, however, from the last report of the Government, that no concrete measures have yet been taken and that effect has thus still not been given to the Convention. It trusts that the Government will not fail to take the necessary measures in the very near future, in consultation not only with the appropriate services but also with the most representative organisations of employers and workers concerned. The Committee asks the Government to indicate any progress made in this connection.

[The Government is asked to report in detail for the period ending 30 June 1985.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Denmark, Ecuador, Finland, Federal Republic of Germany, Hungary, Nicaragua, Norway, Sweden, Syrian Arab Republic, Uruguay, Yugoslavia.

Convention No. 140: Paid Educational Leave, 1974

Netherlands (ratification: 1976)

The Committee has taken note of the following observations made by the Federation of Christian Trade Unions in the Netherlands concerning the Government's report on the application of the Convention for the period 1 July 1980 to 30 June 1982:

- Obstructionist tactics from the Netherlands Council of Employers' Federations has meant that no discussion has been conducted between the two sides of industry on the paid educational leave experiment announced by the Government in 1981.
- Contrary to the Government viewpoint that paid educational leave is a matter which concerns the two sides of industry, the workers' organisations are of the opinion that paid educational leave, being part and parcel of the principle of recurrent learning, is primarily a government responsibility.
- In the period from July 1980 to June 1982 the Government has done nothing to meet the commitment in the ILO Convention No. 140 to develop a policy on paid educational leave.

The Committee has also noted the following comments made by the Confederation of the Netherlands Trade Union Movement on the above-mentioned Government's report:

1. The Confederation is totally unaware of the fact that the Government is working on a paid educational leave experiment.

2. The requirement that "paid educational leave (...) should preferably have a positive effect on the functioning in the working enterprise and on productivity" deviates considerably from the Confederation's view, that paid educational leave should primarily be regarded as a compensatory policy in the sense that it offers those people who in their youth had inadequate educational opportunities a second chance.

3. The text of the Government's report as a whole gives the impression that the proposed policy on paid educational leave has already reached the stage where it is close to being implemented. The Confederation considers that this does not reflect the actual situation.

The Committee requests the Government to supply full information on the above matters to enable their examination by the Committee at its next session.

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

United Kingdom (ratification: 1975)

In reply to the previous observation of the Committee the Government states that in its view voluntarism and collective bargaining constitute the most effective means of applying the principles of the Convention in present circumstances and that the regular collection of comprehensive statistical information on paid educational leave would not, therefore, be appropriate or practicable.

The Committee takes note of this statement, but hopes that it will be possible for the Government in its future reports to furnish information enabling the Committee to assess the extent to which the various classes of workers enjoy paid educational leave for the purposes set forth in Articles 2 and 3 of the Convention.

The Committee also notes with interest that the grants made available by the Department of Education and Science and the Department of Employment (Great Britain) and the Department of Economic Development (Northern Ireland) as a contribution to the expenditure incurred by the trade unions on certain courses of education and training for trade union workplace representatives have been increased. It notes with concern, however, that there has been a downward trend in the numbers of employees (mainly young) obtaining "day release" to attend educational establishments.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Iraq, Nicaragua, United Kingdom.

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Denmark, Philippines, Zambia.

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

Convention No. 142: Human Resources Development, 1975

Finland (ratification: 1977)

1. Further to its previous observation the Committee notes the information in the Government's report concerning the view of the Central Organisation of Finnish Trade Unions (STK) that co-ordination between the Vocational Training Council and the Vocational Guidance Council was inefficient due to inadequacy of resources. The Committee

notes the Government's indication that a working group of the Vocational Guidance Council (which includes among its members employers' and workers' representatives) has stated that there is no need to revise the Vocational Guidance Act. The Government has also provided information concerning the proposed reform of secondary, adult and vocational education.

2. In further comments, the STK and the Confederation of Commerce Employers (LTK) state that there is a need to develop tripartite co-operation in accordance with Article 5 of the Convention, for example, through legislation. They state that a co-ordinating organ for vocational education at central administrative level has not been appointed, and that the authority to plan and decide questions of vocational training (which is financed out of taxes and run by state and municipal authorities) is concentrated in the authorities to an exceptional extent.

3. The Government indicates in this connection that employers' and workers' organisations participate in the development of vocational education through the National Council of Vocational Education; and there are further consultations through the Council of School Affairs and the Cultural Committee.

4. As regards the question of basic vocational training, the STK also states that due to the difficult financial situation of the Government and high unemployment this has increasingly taken place at the workplace, where it may be less well supervised and more narrowly based, and therefore the training given may be less satisfactory.

5. The Committee recalls that under the Convention there should be comprehensive and co-ordinated policies and programmes of vocational guidance and training, closely linked with employment, and pursued by methods appropriate to national conditions (Article 1). The Human Resources Development Recommendation, 1975 (No. 150) suggests various elements which might form part of such policies and programmes including on-the-job training. The Committee hopes the Government will provide full information on the development of its policies and programmes as required by the Convention, and with particular reference to the matters referred to above. It hopes that, through the various consultative bodies mentioned in the report, as well as by other appropriate methods, these policies and programmes will be developed in co-operation with both employers' and workers' organisations, amongst others, in conformity with Article 5 of the Convention.

United Kingdom (ratification: 1977)

The Committee has taken due note of the Government's detailed report, as well as the comments of the Trades Union Congress (TUC) under various Articles of the Convention concerning a number of developments in the system of vocational guidance and training, and the Government's further replies to these comments.

1. The TUC refers to the abolition of 16 of the 23 tripartite Industrial Training Boards (ITBs). The TUC states that the remaining seven ITBs covering vital sectors of the economy no longer receive government finance for operating costs; in their view, the Government

should not have cut off direct state funding at a time when industry is in deep recession and hard pressed. The TUC further states that the Training Opportunities Scheme (TOPS) has been steadily cut back from 66,400 places in 1980-81 to 61,660 in 1982-83, a period when unemployment has reached very high levels and when the country's workforce is one of the most poorly trained in the industrial world.

The TUC draws particular attention in its comments to the need to ensure equal opportunities as regards vocational training and guidance for certain categories of the population, such as Black workers, women and girls, and disabled workers. As regards younger workers, the TUC expresses concern at the declining numbers entering apprenticeships in recent years; it stresses the need for adequate resources and monitoring for the Youth Training Scheme. The TUC also refers to variations in the opportunities for vocational education and training available to people in different regions and different social classes.

As regards questions of vocational guidance, the TUC states that the Government abolished the Occupational Guidance Service for adults, despite growing needs for such a service at a time of rapid technological and occupational change, and it queries whether the national network of 33 job libraries is sufficiently numerous or adequately equipped.

With reference to the question of consultations on matters of vocational training and guidance, the TUC states that it very much regrets the decision to abolish the Careers Service Advisory Council, which had been a useful forum for bringing together representatives of employers' organisations, trade unions, careers officers, teacher organisations, local authorities, and the Manpower Services Commission (MSC) to advise the Secretary of State. The TUC also states that, as regards the Technical and Vocational Education Initiative (TVEI), in which the TUC has been represented as well, there have been reports of inadequate consultation in some areas by local education authorities.

The TUC stresses the need to maintain the role of the public education sector in order to provide a balanced general and technical and vocational education for pupils across the ability range. It states that the Government's report paints a rosy picture of the vocational education and training of young people but that most of them face a grim future of extremely high levels of youth unemployment.

2. In its response the Government states its belief that employers in sectors covered by ITBs should pay for their own training arrangements in the same way as employers in other sectors. As regards TOPS, the Government indicates that the number of places available on publicly funded training courses will be increased from 110,000 to 250,000 per year, according to the White Paper "Training for Jobs" published in January 1984. As regards the Youth Training Scheme, the Government states that by the end of November 1983 programmes providing some two-thirds of all places had been assessed, and most of these had made a sound start. As far as the question of consultations is concerned, the Government states that it continues to consult the interests previously represented in the Careers Service Advisory Council and to distribute to them copies of relevant official publications. The Government also indicates that tripartite participation has continued in the monitoring of the Youth Training Scheme and as regards the TVEI.

3. The Committee has taken note of the above information and comments as well as the information provided in the report and accompanying documentation dealing also with certain aspects of assistance in the field of vocational guidance and training given to ethnic minorities, the handicapped, and younger people. As regards the ITBs the Committee recalls the Governments previous indication that they were established in order to help the MSC carry out the requirements of Article 1 of the Convention, as well as Articles 2, 4 and 5, by seeing that training provided was adequate in quantity and quality, and that training costs were spread more fairly over industry. In view of the concern expressed by the TUC as to the possible unfavourable effects on the application of the Convention, of recent revisions of the relevant machinery and reductions of expenditure, the Committee hopes the Government will supply full information in its next report on developments concerning the various issues raised in relation to the requirements of Articles 1, 2, 3 and 4. It would be glad if the Government would in general describe how far training and guidance are successfully linked with employment, and in particular, what results have ensued from the policy of shifting responsibility for payment for training on to respective employers.

The Committee would also be grateful if the Government would describe in greater detail the consultations taking place in connection with recent measures or proposals such as the White Paper, with employers' and workers' organisations and other interested groups or organisations (including in particular local education authorities and educationists) in the various bodies referred to (including the voluntary bodies replacing the ITBs) as well as informally, so that policies and programmes in this field can be formulated and implemented in co-operation with them in accordance with Article 5 of the Convention. The Government might wish to refer to the provisions of Part XII of the Human Resources Development Recommendation, 1975 (No. 150) in this context.

[The Government is asked to report in detail for the period ending 30 June 1985.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Austria, Byelorussian SSR, Guinea, Iraq, Ireland, Jordan, Mexico, Netherlands, USSR.

Information supplied by Cuba, Czechoslovakia, Hungary and Poland in answer to a direct request has been noted by the Committee.

Convention No. 143: Migrant Workers (Supplementary Provisions), 1975

Requests regarding certain points are being addressed directly to the following States: Cyprus, Upper Volta.

**Convention No. 144: Tripartite Consultation (International Labour Standards)
1976**

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Iraq, Nicaragua, Swaziland.

Convention No. 145: Continuity of Employment (Seafarers), 1976

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Morocco.

Convention No. 146: Seafarers' Annual Leave with Pay, 1976

France (ratification: 1978)

The Committee refers to its previous observation concerning comments made by the National Federation of Maritime Unions in regard to the annual holidays of employees of Indonesian origin on board three vessels flying the French flag.

The Committee takes due note of the Government's statement that the Indonesian catering personnel on board ship enjoys 30 days of paid annual leave, in conformity with the Convention.

Netherlands (ratification: 1980)

The Committee notes the information communicated by the Government, and requests it to provide additional information on the following points:

Article 3 of the Convention. The Committee notes that sections 381(1) and 414(1) of the Commercial Code provide for at least 30 days' annual leave with pay for masters and seamen respectively, in accordance with the declaration appended to the Government's ratification of the Convention. It also notes the Government's statement that any departures from the leave arrangements laid down in the legislation which are to the worker's disadvantage are null and void. The Committee notes that the pertinent provisions of the collective agreements which the Government supplied with its report guarantee 30 days' paid annual leave only for seafarers who have completed a certain number of years of continuous service with the same shipping company. The Committee requests the Government to confirm that the legislative provisions guaranteeing a minimum of 30 days' annual leave with pay effectively applies to all seafarers regardless of less advantageous provisions which may obtain pursuant to collective agreements.

Articles 4 and 7, paragraph 3. The Committee notes that sections 1638cc and 1638ii of the Civil Code would allow for the exclusion of workers with less than one month's service from the accrual of proportional leave entitlements (and thus from the cash

payments corresponding thereto) upon severance of their employment. This exclusion is not permitted under Articles 4 and 7 of the Convention.

Article 5, paragraph 3. The Committee notes the statement of the Confederation of the Netherlands Trade Union Movement, reproduced in the Government's report, that section 414, paragraph 2, of the Commercial Code, under which study leave counts as periods of service if the seafarer receives a study allowance from his employer, lays down a restriction, in the Confederation's view, which is not contained in the Convention. The Committee notes in this respect that the Convention provides for absence from work for various reasons, including vocational training, to be counted as part of the period of service "under conditions to be determined by the competent authority or through the appropriate machinery in each country". The Committee considers that such conditions are laid down in section 414, paragraph 2, of the Commercial Code.

* * *

Information supplied by the United Republic of Cameroon in answer to a direct request has been noted by the Committee.

Convention No. 147: Merchant Shipping (Minimum Standards), 1976

Greece (ratification: 1979)

Article 2(a)(i) of the Convention. The Committee notes the information provided by the Government in reply to its observation made in 1983 regarding the application of Articles 3 and 4 of Convention No. 53, which are referred to in the Appendix to Convention No. 147 and in respect of which comments were submitted by the Panhellenic Union of Merchant Marine Engineers (PEMEN) concerning conditions for the issuing of certificates of competency under Presidential Decree No. 435/78.

The Committee notes with interest that the modification of Presidential Decree No. 435/78 has begun, with a view to providing that certificates for engine room watchkeeping will be granted only after candidates have passed the prescribed examinations. It requests the Government to provide the text of this new decree once adopted.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Denmark, France, Federal Republic of Germany, Greece, Italy, Liberia, Morocco, Netherlands, Norway, Spain, Sweden, United Kingdom.

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

Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977

United Kingdom (ratification: 1979)

The Committee has noted with satisfaction, from the reply of the Government to its earlier comments, the adoption of the Notification of New Substances Regulations, 1982 and the Notification of Installations Handling Hazardous Substances Regulations, 1982, which give effect to Article 12 of the Convention (notification to the competent authority of the use of harmful substances with a view to the authorisation or prohibition of this use).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Ecuador, Finland, Norway, Sweden, United Kingdom, Zambia.

Convention No. 149: Nursing Personnel, 1977

Requests regarding certain points are being addressed directly to the following States: Bangladesh, Byelorussian SSR, Denmark, Ecuador, Finland, Philippines, Sweden, Ukrainian SSR, USSR, Uruguay.

Convention No. 150: Labour Administration, 1978

Requests regarding certain points are being addressed directly to the following States: Netherlands, Norway, Switzerland.

Convention No. 151: Labour Relations (Public Service), 1978

Finland (ratification: 1981)

The Committee notes the information contained in the Government's first and subsequent reports and, in particular, the comments made by the Central Union of Technical Employees' Organisations in Finland (STTK) that the Government has violated Article 7 of the Convention by not negotiating with it on the conditions of employment of technical employees in the public sector in the same way as it concludes collective agreements with other public employees' central organisations. The Government states that this practice is a consequence of the main agreement by which the parties to public sector collective bargaining leave the STTK out of the bargaining procedure; it points out that member organisations of the STTK have the opportunity to accede to the state collective agreement concluded with the other central organisations.

In view of the fact that Article 7 requires measures to be taken to encourage and promote the development and utilisation of machinery for negotiation or of such other methods as will allow representatives of public employees to participate in the determination of conditions of employment, the Committee considers that adequate possibilities are available to most representatives of technical employees in the public service to participate in the current bargaining system in accordance with the provisions of the Convention, but asks the Government to confirm that a minority is not excluded.

United Kingdom (ratification: 1980)

The Committee has taken note of the Government's first and subsequent reports on the application of the Convention. It has also received a number of detailed observations from the Trades Union Congress (TUC) in a communication dated 23 January 1984 concerning the application of the Convention in the United Kingdom. These observations were transmitted to the Government on 31 January 1984 to enable it to submit comments. The Government, in a communication dated 20 February 1984, referring to the detailed and complex points made by the TUC and the serious consideration they require by the Government, indicates that it is not possible to transmit its comments before the end of April 1984.

The Committee, accordingly, hopes that full information on these 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.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Finland, Peru, United Kingdom, Zambia.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
(States Members) as at 21 March 1984**

(Article 22 of the Constitution)

Reports received: 1,388 Reports not received: 349 Total: 1,737

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	5	14, 95, 106, 111, 140	7	13, 100, 105, 137, 139, 141, 142	12
Algeria	16	10, 13, 19, 29, 32, 42, 62, 63, 69, 73, 74, 81, 96, 100, 105, 127	0	—	16
Angola	10	19, 27, 29, 69, 73, 74, 81, 89, 100, 105	0	—	10
Antigua and Barbuda	4	19, 29, 81, 105	0	—	4
Argentina	18	5, 10, 13, 16, 19, 27, 29, 32, 33, 34, 53, 73, 81, 87, 100, 105, 139, 142	0	—	18
Australia	11	10, 16, 19, 27, 29, 45, 63, 81, 100, 105, 123	0	—	11
Austria	12	5, 10, 13, 19, 29, 33, 63, 81, 100, 135, 141, 142	2	27, 105	14
Bahamas	10	5, 10, 12, 17, 19, 29, 42, 81, 105, 117	0	—	10
Bahrain	3	29, 81, 89	0	—	3
Bangladesh	12	16, 19, 27, 29, 32, 59, 81, 96, 105, 107, 118, 149	0	—	12
Barbados	12	5, 10, 19, 29, 42, 63, 74, 81, 100, 105, 118, 135	0	—	12
Belgium	21	5, 10, 13, 16, 19, 27, 29, 32, 33, 53, 62, 69, 73, 74, 81, 96, 100, 105, 113, 123, 125	0	—	21
Benin	0	—	9	5, 13, 18, 29, 33, 85, 100, 105, 143	9
Bolivia	12	5, 81, 88, 96, 106, 107, 118, 121, 123, 128, 129, 130	5	19, 100, 111, 122, 136	17

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Brazil	15	5, 14, 16, 19, 29, 53, 94, 98, 100, 105, 113, 117, 118, 125, 142	0	—	15
Bulgaria	16	13, 16, 19, 27, 29, 32, 34, 53, 62, 69, 73, 81, 100, 113, 127, 138	0	—	16
Burma	5	16, 19, 27, 29, 63	0	—	5
Burundi	8	19, 27, 29, 59, 62, 81, 94, 105	0	—	8
Byelorussian SSR	0	—	8	16, 27, 29, 32, 100, 138, 142, 149	8
Cameroon, Rep. of	22	5, 10, 11, 13, 14, 16, 19, 29, 33, 77, 78, 81, 94, 95, 97, 100, 105, 122, 123, 132, 135, 146	0	—	22
Canada	9	16, 27, 32, 63, 69, 73, 74, 100, 105	0	—	9
Cape Verde	5	17, 29, 81, 100, 105	0	—	5
Central African Republic . .	11	5, 10, 13, 19, 29, 33, 62, 81, 100, 118, 119	1	105	12
Chad	0	—	8	5, 13, 29, 33, 81, 95, 100, 105	8
Chile	15	5, 9, 10, 13, 16, 18, 19, 27, 29, 32, 34, 63, 100, 111, 127	0	—	15
Colombia	16	5, 9, 12, 13, 16, 17, 19, 29, 62, 81, 99, 100, 105, 107, 129, 136	0	—	16
Comoros	7	5, 10, 29, 33, 81, 100, 105	2	13, 19	9
Congo	0	—	5	5, 13, 29, 33, 119	5
Costa Rica	15	29, 81, 96, 100, 105, 113, 129, 131, 134, 135, 138, 144, 145, 147, 148	0	—	15
Cuba	18	13, 16, 19, 27, 29, 53, 63, 81, 96, 100, 105, 113, 135, 136, 138, 141, 142, 151	0	—	18

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Cyprus	8	16, 19, 29, 81, 105, 123, 141, 142	2	150, 151	10
Czechoslovakia	12	5, 10, 13, 19, 27, 29, 34, 63, 100, 123, 136, 142	1	111	13
Democratic Yemen	5	16, 19, 29, 59, 105	0	—	5
Denmark	20	5, 16, 19, 27, 32, 42, 53, 62, 63, 73, 81, 100, 105, 118, 129, 134, 135, 139, 147, 149	5	29, 141, 142, 150, 151	25
Djibouti	17	5, 10, 13, 16, 19, 29, 33, 53, 63, 69, 73, 81, 96, 100, 105, 123, 125	0	—	17
Dominica	4	16, 19, 29, 105	0	—	4
Dominican Republic	8	5, 10, 19, 29, 81, 88, 100, 105	0	—	8
Ecuador	15	29, 81, 100, 103, 105, 113, 118, 121, 123, 136, 139, 141, 142, 148, 149	1	114	16
Egypt	15	9, 19, 22, 23, 29, 53, 63, 74, 81, 87, 88, 94, 96, 100, 105	0	—	15
El Salvador	1	105	0	—	1
Ethiopia	1	87	0	—	1
Fiji	4	19, 29, 59, 105	1	85	5
Finland	27	13, 16, 19, 27, 29, 53, 62, 63, 73, 81, 96, 100, 105, 118, 129, 134, 135, 136, 138, 139, 141, 142, 147, 148, 149, 151, 152	0	—	27
France	30	5, 10, 13, 16, 19, 27, 29, 32, 33, 62, 63, 69, 73, 81, 85, 87, 94, 100, 105, 111, 113, 118, 123, 124, 125, 129, 134, 135, 136, 147	3	53, 74, 96	33
Gabon	13	5, 10, 13, 19, 29, 33, 81, 87, 96, 100, 105, 123, 135	0	—	13
German Democratic Republic	7	16, 27, 100, 103, 135, 138, 142	0	—	7

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Fed. Republic of Germany	23	16, 19, 27, 29, 62, 63, 73, 81, 96, 100, 105, 113, 118, 129, 134, 135, 136, 138, 139, 141, 142, 147, 150	0	—	23
Ghana	10	16, 19, 29, 59, 69, 74, 81, 96, 100, 105	0	—	10
Greece	21	5, 13, 16, 19, 27, 29, 68, 69, 73, 77, 78, 81, 90, 100, 105, 106, 124, 134, 136, 144, 147	0	—	21
Grenada	0	—	12	5, 10, 16, 19, 29, 81, 94, 95, 97, 98, 105, 108	12
Guatemala	9	62, 63, 81, 94, 96, 100, 105, 113, 118	1	19	10
Guinea	13	5, 10, 16, 33, 62, 81, 100, 111, 113, 119, 134, 136, 139	7	13, 29, 105, 118, 121, 135, 142	20
Guinea-Bissau	9	19, 27, 29, 69, 73, 74, 81, 100, 105	0	—	9
Guyana	9	5, 10, 19, 29, 42, 81, 100, 105, 129	0	—	9
Haiti	6	5, 19, 29, 81, 100, 105	0	—	6
Honduras	8	27, 29, 32, 62, 100, 105, 108, 138	0	—	8
Hungary	14	10, 13, 16, 19, 27, 29, 48, 100, 122, 123, 135, 136, 139, 142	1	62	15
Iceland	0	—	5	29, 100, 102, 105, 144	5
India	11	5, 16, 19, 27, 29, 32, 81, 100, 118, 123, 141	0	—	11
Indonesia	2	19, 100	2	27, 29	4
Islamic Republic of Iran . . .	3	29, 100, 111	3	19, 105, 122	6

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Iraq	7	8, 22, 81, 98, 100, 105, 142	24	13, 14, 15, 16, 19, 27, 29, 58, 59, 77, 88, 89, 92, 95, 106, 115, 118, 122, 135, 136, 139, 145, 149, 150	31
Ireland	4	19, 63, 105, 122	13	16, 27, 29, 32, 62, 69, 74, 81, 96, 100, 118, 138, 142	17
Israel	14	19, 29, 48, 53, 81, 96, 100, 105, 118, 134, 136, 138, 141, 142	0	—	14
Italy	33	13, 16, 19, 27, 29, 32, 48, 53, 69, 73, 74, 81, 92, 96, 100, 105, 108, 118, 127, 129, 132, 134, 135, 136, 137, 138, 139, 141, 142, 143, 145, 146, 147	0	—	33
Ivory Coast	11	5, 13, 19, 29, 33, 85, 96, 100, 105, 135, 136	1	14	12
Jamaica	3	19, 100, 105	5	16, 29, 81, 111, 122	8
Japan	13	5, 10, 16, 19, 27, 29, 69, 73, 81, 96, 100, 134, 139	0	—	13
Jordan	1	81	9	29, 100, 105, 106, 118, 119, 123, 135, 142	10
Democratic Kampuchea . . .	0	—	5	4, 6, 13, 29, 122	5
Kenya	11	17, 29, 129, 131, 132, 135, 137, 138, 141, 142, 143	16	2, 11, 14, 16, 19, 27, 32, 63, 81, 88, 94, 97, 98, 105, 118, 140	27
Kuwait	3	29, 81, 136	1	105	4
Lao Republic	0	—	4	4, 6, 13, 29	4
Lebanon	14	1, 15, 19, 30, 52, 59, 77, 78, 81, 88, 95, 98, 100, 106	10	14, 29, 45, 105, 111, 115, 120, 122, 127, 131	24
Lesotho	0	—	3	5, 19, 29	3
Liberia	9	29, 53, 58, 105, 108, 112, 113, 114, 147	0	—	9
Libyan Arab Jamahiriya	13	3, 14, 29, 52, 53, 81, 95, 98, 100, 103, 105, 111, 138	8	89, 96, 102, 118, 121, 122, 128, 130	21

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Luxembourg	8	13, 16, 27, 28, 81, 96, 135, 138	4	19, 29, 100, 105	12
Madagascar	12	5, 13, 19, 29, 33, 81, 100, 118, 122, 123, 127, 129	0	—	12
Malawi	4	19, 81, 100, 129	0	—	4
Malaysia	4	29, 81, 105, 123	0	—	4
Peninsular Malaysia	1	19	0	—	1
Sabah	1	16	0	—	1
Sarawak	2	16, 19	0	—	2
Mali	8	5, 13, 19, 29, 33, 81, 100, 105	0	—	8
Malta	8	5, 10, 16, 19, 29, 32, 81, 105	0	—	8
Mauritania	0	—	23	5, 11, 13, 14, 19, 22, 23, 29, 33, 52, 53, 62, 81, 84, 90, 94, 95, 96, 101, 111, 114, 118, 122	23
Mauritius	9	16, 19, 29, 32, 59, 63, 74, 81, 105	0	—	9
Mexico	17	13, 16, 19, 27, 29, 34, 53, 62, 63, 100, 105, 118, 123, 134, 135, 141, 142	0	—	17
Mongolia	3	59, 100, 123	0	—	3
Morocco	10	13, 19, 27, 29, 81, 100, 105, 129, 136, 147	0	—	10
Mozambique	8	11, 14, 30, 81, 88, 100, 105, 111	0	—	8
Nepal	0	—	2	100, 111	2
Netherlands	24	13, 16, 19, 27, 29, 32, 48, 62, 63, 69, 73, 74, 81, 96, 100, 103, 105, 118, 129, 135, 138, 141, 142, 147	0	—	24
New Zealand	12	10, 16, 29, 32, 53, 59, 63, 69, 74, 81, 105, 134	0	—	12
Nicaragua	21	2, 16, 19, 27, 63, 88, 100, 105, 115, 117, 119, 122, 135, 136, 137, 138, 139, 140, 142, 144, 146	5	13, 28, 29, 110, 141	26
Niger	5	29, 87, 98, 111, 138	11	11, 13, 14, 81, 95, 100, 104, 105, 117, 131, 135	16

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Nigeria	7	29, 59, 81, 97, 100, 105, 123	4	16, 19, 32, 134	11
Norway	28	13, 16, 19, 27, 29, 47, 53, 63, 69, 73, 81, 96, 100, 105, 111, 113, 118, 129, 134, 135, 138, 139, 141, 142, 147, 148, 151, 152	0	—	28
Pakistan	10	16, 19, 27, 29, 32, 59, 81, 96, 105, 118	0	—	10
Panama	19	10, 13, 16, 19, 27, 29, 32, 53, 63, 69, 73, 74, 81, 94, 96, 100, 105, 113, 123	1	125	20
Papua New Guinea	0	—	7	10, 19, 27, 29, 42, 85, 105	7
Paraguay	0	—	9	29, 59, 60, 81, 98, 100, 105, 107, 123	9
Peru	21	1, 10, 19, 23, 27, 29, 32, 53, 59, 62, 68, 69, 71, 73, 81, 100, 105, 107, 113, 139, 151	0	—	21
Philippines	7	53, 59, 87, 100, 105, 141, 149	1	77	8
Poland	20	13, 16, 19, 27, 29, 62, 69, 73, 74, 87, 96, 98, 100, 105, 123, 134, 135, 137, 138, 142	0	—	20
Portugal	19	19, 27, 29, 69, 73, 74, 81, 100, 105, 108, 117, 132, 135, 137, 142, 144, 148, 150, 151	1	122	20
Qatar	0	—	1	81	1
Romania	12	13, 16, 27, 29, 81, 87, 100, 129, 134, 135, 136, 138	0	—	12
Rwanda	9	19, 62, 81, 94, 100, 105, 111, 123, 138	0	—	9
Saint Lucia	0	—	14	5, 8, 11, 14, 16, 19, 29, 87, 94, 95, 97, 98, 101, 105	14
Sao Tomé and Príncipe	0	—	3	19, 81, 100	3
Saudi Arabia	9	14, 29, 45, 81, 89, 90, 100, 105, 123	0	—	9
Senegal	12	5, 10, 13, 19, 29, 33, 81, 96, 100, 105, 125, 135	0	—	12
Seychelles	3	5, 10, 16	5	8, 11, 29, 87, 105	8

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Sierra Leone	9	16, 19, 29, 32, 59, 95, 100, 105, 125	1	81	10
Singapore	6	5, 16, 19, 29, 32, 81	0	—	6
Somalia	0	—	6	16, 19, 23, 29, 85, 105	6
Spain	27	13, 16, 19, 29, 48, 53, 62, 63, 69, 73, 74, 81, 96, 100, 105, 108, 113, 123, 129, 134, 135, 136, 138, 141, 142, 146, 147	1	27	28
Sri Lanka	7	5, 16, 29, 63, 81, 96, 135	0	—	7
Sudan	4	19, 29, 81, 100	1	105	5
Suriname	0	—	13	13, 19, 27, 29, 62, 81, 96, 105, 118, 122, 135, 150, 151	13
Swaziland	17	19, 45, 59, 81, 89, 90, 94, 96, 99, 100, 101, 104, 105, 111, 123, 131, 144	1	29	18
Sweden	25	10, 13, 16, 19, 27, 29, 63, 73, 81, 96, 100, 105, 118, 129, 134, 135, 139, 141, 142, 145, 147, 148, 149, 151, 152	0	—	25
Switzerland	18	5, 16, 19, 27, 29, 62, 63, 81, 100, 105, 123, 136, 139, 141, 142, 150, 151, 153	0	—	18
Syrian Arab Republic	8	1, 19, 53, 88, 96, 100, 118, 125	9	29, 63, 81, 105, 123, 129, 135, 136, 139	17
United Republic of Tanzania	6	16, 19, 29, 59, 63, 105	0	—	6
Tanganyika	3	32, 81, 88	0	—	3
Zanzibar	4	7, 58, 85, 97	0	—	4
Thailand	0	—	5	14, 19, 29, 105, 123	5
Togo	6	5, 13, 26, 29, 33, 85	0	—	6
Trinidad and Tobago	3	16, 29, 85	3	19, 105, 125	6
Tunisia	15	13, 16, 19, 29, 59, 62, 73, 81, 100, 105, 113, 117, 118, 119, 123	0	—	15
Turkey	8	81, 96, 98, 100, 105, 111, 118, 119	0	—	8
Uganda	7	5, 19, 81, 95, 98, 105, 123	2	29, 143	9

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ukrainian SSR	11	16, 27, 29, 32, 69, 73, 100, 113, 138, 142, 149	0	—	11
United Arab Emirates	0	—	1	1	1
United Kingdom	21	5, 10, 16, 19, 26, 29, 32, 63, 69, 74, 81, 85, 100, 105, 135, 140, 141, 142, 147, 148, 151	0	—	21
United States	2	53, 74	0	—	2
Upper Volta	0	—	19	5, 11, 13, 14, 18, 19, 29, 33, 81, 95, 97, 100, 111, 129, 131, 132, 135, 143, 150	19
Uruguay	19	13, 16, 19, 27, 32, 62, 63, 73, 81, 96, 105, 113, 121, 129, 130, 134, 136, 138, 139	0	—	19
USSR	12	16, 27, 29, 32, 69, 73, 100, 111, 113, 138, 142, 149	0	—	12
Venezuela	7	5, 13, 19, 27, 29, 81, 105	0	—	7
Yemen	2	81, 100	5	29, 87, 98, 131, 135	7
Yugoslavia	20	5, 13, 16, 19, 27, 29, 32, 48, 53, 69, 73, 74, 81, 100, 113, 123, 129, 136, 139, 143	0	—	20
Zaire	8	19, 27, 29, 62, 81, 88, 100, 118	0	—	8
Zambia	11	19, 100, 103, 105, 123, 135, 136, 138, 141, 149, 151	1	29	12
<i>Other States</i>					
Albania ¹	0	—	12	10, 11, 16, 21, 29, 52, 59, 77, 78, 87, 98, 100	12
Nauru	0	—	5	19, 21, 27, 29, 105	5
Western Samoa	0	—	2	14, 29	2
South Africa ¹	2	19, 63	0	—	2

¹ Albania and South Africa have withdrawn from the I.L.O., but these States continue to be bound by the Conventions which they have ratified (article 1, paragraph 5, of the Constitution).

Appendix II. Statistical Table of Reports received on Ratified Conventions as at 21 March 1984

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ¹	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 ²	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 883	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	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
-1977	1 529 ³	215	14.0	1 120	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	1 695	332	19.4	1 382	81.4	1 493	88.0
-1983	1 737	236	13.5	1 388	79.9	—	—

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 with regret that for the second year in succession the reports due in respect of the application of Conventions in the Farøe Islands have not been received. It trusts that the reports in question will be available for examination by the Committee at its next session.

France

The Committee notes that for a number of years the Government's reports on the application of Conventions in respect of Overseas Departments and Overseas Territories do not contain replies to comments made on a number of these Conventions. The Committee trusts that the reports in question will contain in future full information on the points raised by the Committee.

Netherlands

The Committee notes once more with regret that the reports due in respect of the application of Conventions in the Netherlands Antilles have not been received. It trusts that the reports in question will be available for examination by the Committee at its next session.

New Zealand

The Committee notes with regret that for the third year in succession the reports due on the application of Conventions in the Cook Islands and Niue Island have not been received and that this year the reports also due in respect of the Tokelau Islands have not been supplied. The Committee trusts that the reports in question will be available for examination by the Committee at its next session.

United Kingdom

The Committee notes the information supplied by the Government in its general report concerning the employment situation in the Falkland Islands (Malvinas). It hopes that the Government will be able in future to supply the reports due on the application of Conventions in respect of these Islands (including the first report on Convention No. 141).

In addition, the Committee notes with regret that once again the reports due in respect of the application of Conventions in Anguilla (including a first report on Convention No. 148 which has been due for two years) and in the British Virgin Islands have not been received. The Committee trusts that the reports due will be supplied for examination by it at its next session.

B. INDIVIDUAL OBSERVATIONS**Convention No. 8: Unemployment Indemnity (Shipwreck), 1920**

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. 13: White Lead (Painting), 1921

A request regarding certain points is being addressed directly to France (French Polynesia).

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

Article 3 of the Convention. The Committee notes with regret that again this year no report has 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.

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

Netherlands

Netherlands Antilles

Article 7 of the Convention. The Committee notes from the Government's report that section 4, subsection 2, of the Workmen's Compensation Ordinance of 1966 (PB No. 14), has not yet been amended so as to bring it into line with Article 7 of the Convention, which provides for additional compensation in cases where the injury results in incapacity of such a nature that the injured worker must have the constant help of another person. The Government states that, although in practice the payment is actually made, the Social Insurance Bank wishes to review further a statutory ruling on the matter in view of the present precarious financial and economic situation, which leaves no scope for a legislative commitment on this count. The Committee wishes to reiterate its hope that the necessary measures will be taken soon to bring the national legislation into full conformity with this Article of the Convention; it reminds the Government that although this provision of the Convention refers to an "additional compensation", the benefit in kind - the constant help of another person - proposed in earlier government statements might meet the requirements of this provision of the Convention, provided that (i) it is granted to every employment accident victim so incapacitated as to need it (and not only to those who are ill "in medical terms"), and (ii) it is not limited to the recovery period only but is granted for as long as the incapacity lasts.

The Committee requests the Government to indicate in its next report the progress made in this regard.

* * *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Falkland Islands (Malvinas)).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

Information supplied by France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Reunion) and the United Kingdom (Bermuda) in answer to a direct request has been noted by the Committee.

Convention No. 29: Forced Labour, 1930United KingdomSt. Helena

With reference to its earlier comments, the Committee notes with satisfaction that rule 61 of the Gaols Ordinance, 1960, has been amended to provide that prison labour may not be put at the disposal of private persons or enterprises except with the consent of the prisoners concerned.

* * *

In addition, a request regarding certain points is being addressed directly to Denmark (Greenland).

Information supplied by the United Kingdom (Bermuda) in answer to a direct request has been noted by the Committee.

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

Article 5 of the Convention. The Committee notes from the Government's reply to its previous comments that the draft order defining dangerous or unhealthy activities prohibited to persons under 18 years of age has been dealt with the Labour Committee and is now being considered by the Government. The Committee hopes that this order will be adopted at an early date and will give full effect to the above-mentioned provision of the Convention, which also covers work dangerous to the morals of the young persons employed in such work.

[The Government is asked to report in detail for the period ending 30 June 1985.]

* * *

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

Convention No. 44: Unemployment Provision, 1934

A request regarding certain points is being addressed directly to France (French Polynesia).

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the United States (American Samoa, Guam, Puerto Rico, Trust Territory of the Pacific Islands, Virgin Islands).

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

With reference to its earlier comments, the Committee notes from the report of the Government that the adoption of the draft to amend the Decree concerning the recruitment of seamen (PB 1960, No. 201), which was to fix a minimum age of 16 years, is now uncertain.

The Committee is bound to point out that young seamen should be at least 15 years old, and that this minimum age should be fixed by the national laws or regulations. The Committee hopes that the necessary measures will be taken in the near future and that they will be mentioned in the next report.

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

Requests regarding certain points are being addressed directly to the United Kingdom (Bermuda, Gibraltar, Montserrat).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

The Committee notes that the Government's report has not been received. Referring to its previous comments, the Committee recalls that a Bill has been drafted to provide for the granting of certificates of capacity to ships' cooks fulfilling the conditions laid down in Articles 2, 3, 4 and 6 of the Convention. The Committee requests the Government to communicate the text of the Bill it referred to at the International Labour Conference in 1980.

* * *

In addition, a request regarding certain points is being addressed directly to the United Kingdom (Isle of Man).

Convention No. 81: Labour Inspection, 1947France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon)

See under Convention No. 81, France, observation concerning Articles 20 and 21.

NetherlandsNetherlands Antilles

Articles 10, 20 and 21 of the Convention. In reply to the earlier comments of the Committee the Government states that the Department of Labour and Social Affairs has drawn up a new work schedule to see to what extent the application of these articles of the Convention can be effectuated on an annual basis with the present inspection staff and that a start has been made on introducing a more efficient system of running an annual check on enterprises.

The Committee consequently expresses the hope 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 provided for by Article 21 of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Guernsey, Hong Kong, Isle of Man).

Convention No. 88: Employment Service, 1948

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

A request regarding certain points is being addressed directly to the Netherlands (Netherlands Antilles).

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), Netherlands (Netherlands Antilles), United Kingdom (Anguilla, British Virgin Islands).

Convention No. 95: Protection of Wages, 1949

A request regarding certain points is being addressed directly to the United Kingdom (Montserrat).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

Convention No. 100: Equal Remuneration, 1951FranceNew Caledonia

The Committee notes with interest the adoption of Ordinance No. 82.1114 of 23 December 1982 respecting the legislative system of labour law in the territory of New Caledonia and its dependencies, which has repealed the provisions of Act No. 5/0/322 of 15 December 1952 (with the exception of sections 180 to 208) and made applicable to New Caledonia Books I to VII and sections L.900 to L.900.3 and L.920.4 of the Labour Code, subject to the special provisions contained in this Ordinance.

1. The Committee notes in particular the application of Chapter III of Title II of Book I of the Labour Code, concerning the occupational equality between men and women, and the preliminary chapter to Title IV of Book I of the Labour Code, concerning equal remuneration for men and women, as amended by Act No. 83.635 of 13 July 1983. The Committee requests the Government to supply full information on the measures taken or contemplated to ensure the application of the principle of equal remuneration for the same work or work of equal value embodied in section 140.2 of the Labour Code, especially in regard to wages above the statutory minimum, supplying copies of collective agreements and appendices thereto relating to the classification of jobs in branches of activity traditionally employing large numbers of women.

2. The Committee notes that under the terms of section 6 of Ordinance No. 82.1114, the Labour Advisory Committee, composed of an equal number of employers and workers, is responsible for studying the factors which may serve as a basis for the fixing of minimum wages, and this Committee may be called upon to express an opinion on all matters relating, inter alia, to work and employment. The Committee requests the Government to supply full information on the role and activities of the Advisory Committee in the application of the principle embodied in the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: France ((Overseas Departments: French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon); French Polynesia), United Kingdom (Gibraltar).

Convention No. 105: Abolition of Forced Labour, 1957NetherlandsNetherlands Antilles

Article 1(c) and (d) of the Convention. In its earlier comments, the Committee noted that, under sections 413 and 414 of the Penal Code, certain breaches of labour discipline by seamen are punishable by imprisonment (involving compulsory labour). The Committee recalls that the Government pointed out in its report for the period 1975-77 that a draft ordinance was being prepared to repeal sections 413 and 414 of the Penal Code, and that the Government expressed the hope at the Conference in 1980 that the process would be completed before the following reporting period. The Committee notes, from the last report of the Government, that the repeal of the provisions in question is still under study and it trusts that the Government will shortly be able to report that this has actually taken place.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Denmark (Farøe Islands), New Zealand (Niue), United Kingdom (British Virgin Islands).

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

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

Convention No. 115: Radiation Protection, 1960FranceFrench Polynesia

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

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.

* * *

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: France (New Caledonia), Netherlands (Netherlands Antilles).

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

France

New Caledonia

The Committee takes note of the report of the Government and observes with satisfaction that certain provisions of the Labour Code, including those on minimum age and those on mines and quarries, have been extended to New Caledonia by virtue of Ordinance No. 82-1114 of 23 December 1982, so that the minimum age for admission to underground work is now 16 years, in accordance with Article 2 of the Convention, and so that the employer is obliged to keep a record of all young workers under 18 years of age indicating their dates of birth, their dates of joining the undertaking and the employments they hold, in accordance with Article 4, paragraph 4.

* * *

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

Convention No. 125: Fishermen's Competency Certificates, 1966

A request regarding certain points is being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon).

Convention No. 126: Accommodation of Crews (Fishermen), 1966

A request regarding certain points is being addressed directly to Denmark (Farøe Islands).

Convention No. 136: Benzenc, 1971

A request regarding certain points is being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 140: Paid Educational Leave, 1974

A request regarding certain points is being addressed directly to the United Kingdom (Anguilla).

Convention No. 142: Human Resources Development, 1975United KingdomHong Kong

Article 5 of the Convention. Further to its previous direct request concerning co-operation with employers' and workers' organisations and, as appropriate to national conditions, other interested bodies, the Committee notes with satisfaction, as regards the question of vocational training, the adoption of the Vocational Training Council Ordinance (Chapter 1130), 1982, and the establishment of the Vocational Training Council whose membership includes employers, workers, educationalists, persons with a special interest in training, and representatives of relevant government departments; and whose functions include that of advising on measures of technical education and industrial training, and that of instituting, developing and operating various facilities in this field.

* * *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Guernsey, Hong Kong).

Convention No. 150: Labour Administration, 1978

Requests regarding certain points are being addressed directly to the following States: Netherlands, Norway, Switzerland.

**Appendix. Receipt of Detailed Reports on Ratified Conventions
(Non-Metropolitan Territories) as at 21 March 1984**

(Articles 22 and 35 of the Constitution)

Reports received: 242 Reports not received: 136 Total: 378

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	10, 27, 29, 105	0	—	1.6
<i>Denmark</i>	5		16		
Farøe Islands	0	—	16	5, 8, 9, 11, 14, 16, 19, 27, 29, 52, 53, 87, 98, 105, 106, 126	40
Greenland	5	5, 16, 19, 29, 105	0	—	50
<i>France</i>	133		19		
<i>Overseas Departments:</i>					
French Guyana	19	5, 10, 13, 16, 19, 27, 29, 53, 62, 69, 73, 81, 100, 105, 113, 123, 125, 135, 136	2	32, 74	60
Guadeloupe	19	5, 10, 13, 16, 19, 27, 29, 53, 62, 69, 73, 81, 100, 105, 113, 123, 125, 135, 136	2	32, 74	330
Martinique	19	5, 10, 13, 16, 19, 27, 29, 53, 62, 69, 73, 81, 100, 105, 113, 123, 125, 135, 136	2	32, 74	330
Reunion	19	5, 10, 13, 16, 19, 27, 29, 53, 62, 69, 73, 81, 100, 105, 113, 123, 125, 135, 136	2	32, 74	490
St. Pierre and Miquelon . .	18	5, 10, 13, 16, 17, 19, 29, 33, 53, 63, 69, 73, 81, 88, 96, 105, 123, 125	7	36, 43, 49, 82, 91, 100, 120	5

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Overseas Territories:</i>					
French Polynesia	17	5, 10, 13, 16, 19, 29, 33, 53, 63, 69, 73, 81, 96, 100, 105, 123, 125	4	44, 82, 94, 115	160
New Caledonia	22	5, 10, 13, 16, 19, 22, 29, 33, 53, 63, 69, 73, 81, 94, 96, 98, 100, 105, 115, 123, 124, 125	0	—	150
Netherlands	0		9		
Netherlands Antilles	0	—	9	10, 29, 33, 69, 74, 81, 94, 105, 118	270
New Zealand	0		23		
Cook Islands	0	—	10	11, 14, 29, 50, 64, 65, 82, 84, 104, 105	20
Niue Island	0	—	10	11, 14, 29, 50, 64, 65, 82, 84, 104, 105	3
Tokelau	0	—	3	29, 82, 105	1.5
United Kingdom	92		68		
Anguilla	0	—	27	5, 8, 11, 12, 14, 17, 19, 22, 29, 42, 50, 59, 64, 65, 82, 84, 85, 86, 87, 94, 97, 98, 101, 105, 108, 140, 148	70
Bermuda	8	5, 10, 16, 19, 29, 59, 105, 135	0	—	60
British Virgin Islands. . . .	0	—	15	5, 10, 11, 14, 19, 29, 59, 82, 84, 85, 87, 94, 97, 98, 105	10
Falkland Islands (Malvinas)	0	—	24	7, 10, 11, 12, 14, 17, 19, 22, 26, 29, 32, 35, 36, 42, 45, 58, 59, 82, 84, 87, 98, 105, 108, 141	1.9
Gibraltar	11	16, 19, 29, 59, 63, 81, 100, 105, 135, 142, 151	0	—	30

NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Guernsey	16	5, 10, 16, 19, 29, 32, 63, 69, 74, 81, 105, 135, 141, 142, 148, 150	1	151	53
Hong Kong	18	3, 5, 10, 16, 19, 29, 32, 59, 63, 74, 81, 90, 105, 141, 142, 148, 150, 151	0	—	5 070
Jersey	11	5, 10, 16, 19, 29, 32, 63, 69, 74, 81, 105	0	—	74
Isle of Man	11	5, 10, 16, 19, 29, 32, 63, 69, 74, 81, 105	1	150	60
Montserrat	7	5, 16, 19, 29, 59, 85, 105	0	—	10
St. Helena	10	5, 10, 16, 19, 29, 59, 63, 85, 105, 151	0	—	5
United States	8		0	—	
American Samoa	1	53	0	—	30
Guam	2	53, 74	0	—	120
Puerto Rico	2	53, 74	0	—	3 440
Virgin Islands	2	53, 74	0	—	100
Trust Territory of Pacific Islands	1	53	0	—	124

¹ Source: United Nations: *Demographic Year Book*, 1981.

III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Afghanistan

The Committee has noted the information communicated by a Government representative to the Conference Committee in 1983 according to which the instruments adopted from the 61st to the 67th Sessions of the Conference had been submitted to the competent authorities and the Office would be informed of the decisions taken in this regard. In the absence of further information in this connection, the Committee hopes that the Government will soon supply, in respect of those instruments, the documents and other particulars called for in the Memorandum adopted by the Governing Body. The Committee hopes that the Government will also indicate whether the instruments still outstanding, adopted from the 52nd to the 56th Sessions, have been submitted.

The Committee would be grateful if the Government would also indicate whether the instruments adopted at the 68th Session of the Conference have been submitted to the competent authorities.

Algeria

The Committee notes with regret that the Government has not replied to its direct requests of 1982 and 1983, and hopes that it will soon indicate whether the instruments adopted at the 65th, 66th and 67th Sessions of the Conference have been submitted to the competent authorities. It would also be grateful for information as to whether the instruments adopted at the 68th Session have been submitted.

Benin

The Committee notes with regret that the Government has not replied to its direct requests of 1982 and 1983. It hopes that the Government will, in respect of the instruments adopted at the 65th Session of the Conference and already submitted, shortly communicate the information requested in points I(a) and II(a) of the Memorandum adopted by the Governing Body, and also indicate whether the instruments adopted at the 66th and 67th Sessions have been

submitted. The Committee would also be grateful for information as to whether the submission of the instruments adopted at the 68th Session has taken place.

Bolivia

Further to its previous observation, the Committee has taken note of the information communicated by the Government to the Conference Committee in 1983 to the effect that the Government was now in a position to submit to the legislative authority the instruments still outstanding, together with suitable proposals. In the absence of any further information on the subject, the Committee hopes that the Government will indicate shortly the proposals made and the decisions taken as to the effect to be given to Recommendation No. 152, adopted at the 61st Session of the Conference, and to 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), at the time of their submission to the competent authorities, and that it will also indicate whether Recommendation No. 151, adopted at the 60th Session of the Conference, and the instruments adopted at the 63rd, 64th, 65th 66th, 67th and 68th Sessions have also been submitted to the competent authorities.

Botswana

Further to its previous observation, the Committee has taken note of the statement made by a Government representative to the Conference Committee in 1983 to the effect that the instruments adopted at the 64th and 65th Sessions of the Conference had been submitted to the Cabinet in 1983 together with recommendations on the action to be taken, and that they would be submitted to Parliament as soon as a decision was reached on them. The Committee has noted also that preparations for the submission of the instruments adopted at the 66th and 67th Sessions were under way. It hopes that the Government will be able to state shortly that these various instruments have been submitted to Parliament, and that it will in this connection communicate the information and documents called for in the Memorandum adopted by the Governing Body. The Committee would be grateful if the Government would also indicate whether the instruments adopted at the 68th Session of the Conference have been submitted.

Brazil

The Committee regrets to note the absence of a reply to its previous observations. It trusts that the Government, which stated in 1982 that the procedure for the submission of the many remaining instruments had been set in motion, will indicate shortly that this submission has taken place and that it will communicate in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points I and II of the questionnaire).

Chad

With reference to its previous observation, the Committee takes note of the statement by the Government representative to the Conference Committee in 1983 to the effect that the Government firmly intends to comply fully with its constitutional obligations. The Committee hopes that the Government will shortly be able to state that the instruments adopted from the 55th to the 68th Sessions of the Conference have been submitted to the competent authorities and that it will communicate the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire) in relation to these instruments as well as those adopted from the 50th to the 54th Sessions and which have already been submitted.

Congo

The Committee regrets to note that the Government has not replied to its previous observation. It hopes that those of the instruments adopted at the 63rd Session of the Conference that have been submitted to the Council of Ministers have now been submitted to the People's National Assembly as well. It hopes also that the Recommendations adopted at the 54th and 55th Sessions, the instruments adopted at the 60th, 61st, 62nd, 65th, 66th and 67th Sessions and the remaining instruments from the 58th and 63rd Sessions (Conventions Nos. 137 and 148 and Recommendations Nos. 145 and 156) will shortly be submitted to the Assembly and that the Government will communicate, in respect of all these instruments, 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 68th Session of the Conference have been submitted to the competent authorities.

Costa Rica

With reference to its previous observation, the Committee notes from the information and documents communicated by the Government that certain instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to the competent authorities. It hopes that the Government will shortly be able to state that the remaining instruments from these sessions and also Convention No. 151, adopted at the 64th Session, and the instruments adopted at the 65th and 66th Sessions have been submitted as well. The Committee hopes that the Government will indicate the proposals made and the decisions taken concerning certain instruments submitted to the Legislative Assembly in April 1980 (Conventions Nos. 146 and 149 and Recommendations Nos. 136 to 141).

Democratic Yemen

The Committee has noted the information communicated by the Government to the effect that the instruments adopted at the 68th Session of the Conference have been submitted to the Praesidium of the People's Supreme Council. In the absence of any reply to its previous observation, the Committee hopes that the Government will provide a copy of the documents by means of which these instruments, as well as those adopted from the 62nd to the 67th Sessions, were submitted, together with information as to the decisions taken in respect of the instruments in question. Since the People's 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

With reference to its previous observation, the Committee takes note of the information furnished by the Government to the Conference Committee in 1983 to the effect that Conventions Nos. 149 and 150, adopted at the 63rd and 64th Sessions respectively, were submitted in 1981 to the Revolutionary Council of Government, which at that time exercised the legislative power. The Committee also notes, from the same source of information, that efforts are being made to restart the procedure for the instruments adopted at the 52nd, 55th, 56th and 59th Sessions, already submitted, in respect of which the Government has not yet supplied the submission documents or the information called for in the Memorandum adopted by the Governing Body. Lastly, the Committee takes note of the opinion expressed by the Ministry of Labour and Social Welfare concerning the instruments adopted at the 68th Session of the Conference. The Committee hopes that the Government will shortly be able to state that these instruments and also those adopted at the 62nd, 65th, 66th and 67th Sessions and the remaining instruments from the 63rd and 64th Sessions have been submitted to the Constituent Assembly.

Ethiopia

With reference to its previous observation, the Committee takes note of the information communicated by the Government to the effect that the instruments adopted at the 62nd, 67th and 68th Sessions of the Conference have been submitted to the competent authorities. It hopes that the Government will shortly be able to state that the instruments adopted from the 58th to 61st and from the 63rd to the 66th Sessions and Recommendation No. 136, adopted at the 54th Session, have also been submitted and that in respect of these instruments and those adopted at the 62nd, 67th and 68th Sessions, which have just been submitted, it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Fiji

With reference to its previous observation, the Committee notes with satisfaction from the information and documents communicated by the Government that all the instruments adopted from the 59th to the 63rd Sessions of the Conference have been submitted to Parliament.

The Committee also notes that the preparatory work for the submission of the remaining instruments, adopted from the 64th to the 68th Sessions, is in progress and that the relevant report will be communicated as soon as possible.

Islamic Republic of Iran

In the absence of any reply to its earlier comments, the Committee hopes that the Government will be able to state shortly whether the instruments adopted at the 62nd, 63rd, 64th, 65th, 66th, 67th and 68th Sessions of the Conference have been submitted to Parliament.

Iraq

The Committee takes note of the information furnished by the Government to the effect that the instruments adopted at the 68th Session of the Conference have been submitted to the competent authorities and that the decisions taken on them will be communicated as soon as possible. In the absence of other information, it hopes that the Government will shortly state that the many 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 the information and the documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire) in respect of these and of Convention No. 151 and Recommendation No. 159, which were adopted at the 64th Session.

Ireland

The Committee regrets to note that the Government has not replied to its direct requests of 1982 and 1983. It hopes that the Government will shortly state that the instruments adopted at the 62nd, 63rd, 64th, 66th and 67th Sessions of the Conference have been submitted to the competent bodies. It would also be grateful if the Government would state whether the instruments adopted at the 68th Session have been submitted.

Referring to its earlier comments on the submission to the competent authorities of the European Communities of Convention No. 153 and Recommendation No. 161, which were adopted at the 65th Session, the Committee hopes that the Government will shortly be able to indicate the results of this procedure and communicate the relevant information and documents.

Ivory Coast

With reference to its previous observations, the Committee takes note with satisfaction of the information and documents communicated by the Government showing that all the instruments adopted at the 62nd, 65th, 66th, 67th and 68th Sessions of the Conference have been submitted to the National Assembly.

Jamaica

The Committee takes note of the statement by a Government representative to the Conference Committee in 1983 to the effect that all the remaining instruments were shortly to be submitted to Parliament. In the absence of further information, it trusts that the Government will soon state that all these instruments (Convention No. 132 and Recommendation No. 136 and instruments adopted at the 61st, 62nd, 63rd, 64th, 65th, 66th, 67th and 68th Sessions) have been submitted. It also hopes that the Government will provide information on the proposals made and the decisions taken on the 45 instruments submitted to Parliament by means of a communication of the Ministry of Labour and Employment, dated 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

With reference to its earlier observation, the Committee notes, from the information communicated by the Government, that the submission of instruments adopted at the 64th Session of the Conference to the competent authorities is imminent, and that work preparatory to the submission of instruments adopted from the 65th to the 68th Sessions has restarted. The Committee hopes that the Government will soon be able to state that the submission of these instruments has taken place.

Lao Republic

The Committee notes the absence of information concerning the submission of the instruments adopted by the Conference to the competent authorities.

Libyan Arab Jamahiriya

The Committee regrets to note that the Government has not replied to its direct requests of 1982 and 1983. It hopes that the Government will soon state that the instruments adopted at the 64th, 65th, 66th and 67th 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 68th Session have been submitted.

Malawi

With reference to its earlier observations, the Committee recalls that under article 19, paragraphs 5 and 6, of the ILO Constitution, the Conventions and Recommendations adopted by the Conference must be submitted to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. Since, under section 35, 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 ILO Constitution, and Conventions and Recommendations should, therefore, as a rule, be submitted to the National Assembly.

The Committee takes note of the information communicated by the head of the delegation of Malawi to the Conference in 1983 to the effect that the Government is continuing to examine the whole question of submission to the competent authority. It thus hopes that the Government will be able to submit the instruments adopted at the 55th and the 58th to 68th Sessions of the Conference to the National Assembly also.

Mauritius

With reference to its previous observations, the Committee takes note of the information communicated by the Government to the Conference Committee in 1983 to the effect that the preparatory work for submitting instruments adopted at the 59th and 60th Sessions and from the 63rd to the 67th Sessions of the Conference to the competent authorities is now completed and that the instruments will be submitted when new laws that are being drafted and which incorporate many provisions from the instruments in question have been adopted. The Committee hopes that the Government will shortly be able to state that the above-mentioned instruments and those adopted at the 68th Session have been submitted to Parliament and that it will communicate the information and documents concerning them and called for in the Memorandum adopted by the Governing Body.

Mongolia

With reference to its earlier comments, the Committee has noted with interest from the information communicated by the Government, that the instruments adopted at the 67th Session of the Conference, submitted to the Praesidium of the People's Great Khural, have also been communicated to the deputies of the Great Khural and that this procedure will be followed in future.

The Committee hopes that the Government will also supply, on submission of new instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

Mozambique

With reference to its previous observation, the Committee takes note with satisfaction of the information and documents communicated by the Government, to the effect that the instruments adopted from the 63rd to the 68th Sessions of the Conference have been submitted to the People's Assembly. The Committee hopes that the Government will be able to supply, in respect of these instruments also, the information called for at points II(b) and III of the Memorandum adopted by the Governing Body (proposals on measures that might be taken on these instruments and any decisions that have been taken).

Nepal

The Committee takes note of the information communicated by the Government to the effect that the instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to the Council of Ministers. With reference to its earlier observations, the Committee hopes that these instruments and those adopted from the 51st to the 61st Sessions and Recommendation No. 162, adopted at the 66th Session, will also be submitted shortly to Parliament, the difficulties delaying submission having now disappeared, according to the information furnished by the Government to the Conference Committee in 1981. The Committee also hopes that the Government will communicate, in respect of all the above-mentioned instruments and of those 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

The Committee takes note of the information communicated by the Government on the submission to the Junta of the Government of the instruments adopted at the 68th Session of the Conference.

The Committee refers to its earlier comments and again expresses the hope that the Government will reconsider the question of the competent authority and 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, since the Council of State shares legislative power with the Junta.

Nigeria

The Committee notes the information communicated by the Government to the effect that the instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to the competent authorities. It hopes that the Government will soon indicate the proposals made and the decisions taken in respect of these instruments. In the absence of any reply to its previous observation, the Committee trusts that the Government will also shortly provide this information in respect of the instruments adopted from the 45th to 59th Sessions of the Conference, which have already been submitted, and that it will state that the instruments adopted at the 65th and 66th Sessions have been submitted to the competent authorities.

Qatar

With reference to its previous observation, the Committee notes from the information communicated to the Conference in 1983 by the delegation of Qatar, that Convention No. 139, adopted at the 59th Session of the Conference, has been submitted to the competent authorities. With regard to the remaining instruments, adopted from the 62nd to the 68th Sessions, the Committee takes note of the explanations provided by the delegation, and also of the intention of the Government to submit as many instruments as possible before the next session of the Conference.

Seychelles

The Committee regrets to note once more that the Government has replied neither to its previous observation nor, therefore, to the comments that it has been making since 1979. It trusts that the Government will shortly state that the instruments adopted at the 63rd, 64th, 65th, 66th and 67th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b), of the ILO Constitution. Furthermore, it would be grateful if the Government would also state whether the instruments adopted at the 68th Session have been submitted. It points out in this connection 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 communicate 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 (Point II(b) of the questionnaire).

Sierra Leone

The Committee regrets to note once more that the Government has not replied to its previous observation. It trusts that the Government will soon state that the remaining instruments adopted at the 62nd Session of the Conference (Convention No. 146 and Recommendation No. 154) and those adopted at the 63rd, 64th, 65th, 66th and 67th Sessions have been submitted to Parliament. It would also be grateful if the Government would state whether the instruments adopted at the 68th Session of the Conference have been submitted.

The Committee also trusts that the Government will shortly provide information on the proposals made to Parliament and any decisions taken by it respecting those of the instruments adopted from the 46th to 62nd Sessions of the Conference that have already been submitted.

Syrian Arab Republic

In the absence of a reply to its earlier comments, the Committee hopes that the Government will soon state that the instruments remaining from the 58th Session of the Conference, as well as those adopted from the 62nd to the 67th Sessions have been submitted to the competent authorities. Moreover, the Committee would be grateful if the Government would state whether the submission of the instruments adopted at the 68th Session of the Conference has been carried out.

Tanzania

With reference to its earlier comments, the Committee has noted with interest the information and documents communicated by the Government to the Conference Committee in 1983, stating that the instruments adopted from the 54th to the 65th Sessions of the Conference have been submitted to Cabinet and that the Government now intends to submit them to the National Assembly with proposals regarding the effect to be given thereto. The Committee has also noted that work preparatory to the submission of instruments adopted from the 66th to the 68th Sessions is in progress. It hopes that the Government will shortly be able to state that the instruments mentioned above have been submitted to the National Assembly and that it will communicate the information and documents called for in the Memorandum adopted by the Governing Body concerning both these instruments and those adopted from the 47th to the 53rd Sessions and which have already been submitted.

Tunisia

In the absence of a reply to its earlier direct request, the Committee hopes that the Government will soon be able to state that the instruments adopted by the 62nd, 64th, 65th, 66th and 67th Sessions of the Conference have been submitted to the competent

authorities and that it will communicate the information and documents requested in this connection in the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will not fail to supply the documents by means of which the submission of instruments adopted at the 61st Session was effected and that it will state whether proposals have been formulated and decisions taken with regard to the instruments adopted by the 54th to 60th Sessions, which were under study at the Ministry for Social Affairs. The Committee would also be grateful if the Government would state whether the instruments adopted at the 68th Session of the Conference have been submitted.

Uganda

The Committee notes with regret that the Government has not replied to the direct requests of 1982 and 1983. It hopes that the Government will soon state that the instruments adopted at the 66th and 67th Sessions of the Conference have been submitted to the competent authorities, and that it will communicate the relative information and documents requested 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 68th Session have been submitted.

United Arab Emirates

The Committee notes with regret the absence of replies to its direct requests of 1982 and 1983. It hopes that the Government will soon state that the instruments adopted at the 64th, 65th, 66th and 67th Sessions of the Conference have been submitted to the National Council, which is the competent legislative authority according to the information previously supplied by the Government, and that it will communicate the information and documents requested in this connection in the Memorandum adopted by the Governing Body. The Committee would be grateful if the Government would also state whether the submission of the instruments adopted at the 68th Session has been carried out.

Yemen

The Committee notes with regret that the Government has not replied to its previous observations for the third year running. It trusts that the Government will shortly communicate, 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 already 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. The Committee hopes,

SUBMISSION TO COMPETENT AUTHORITIES

moreover, that the Government will state whether the instruments adopted at the 65th, 66th, 67th and 68th Sessions have been submitted to the competent authorities.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Antigua and Barbuda, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Burma, United Republic of Cameroon, Canada, Central African Republic, Chile, Cuba, Cyprus, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, France, Gabon, Federal Republic of Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Israel, Italy, Japan, Jordan, Lesotho, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Niger, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Saint Lucia, San Marino, Sao Tomé and Príncipe, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, USSR, United Kingdom, Upper Volta, Uruguay, Venezuela, Zaire, Zambia.

Information supplied by Burundi, Liberia, Togo and Turkey, in answer to a direct request, has been noted by the Committee.

Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities

(31st to 68th Sessions of the International Labour Conference, 1948-82)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, 67 and 68
Algeria	47 to 64	65, 66, 67 and 68
Angola	61 to 65	66, 67 and 68
Antigua and Barbuda . . .	—	68
Argentina	31 to 68	—
Australia	31 to 68	—
Austria	31 to 67 and 68 (C 157)	68 (C 158; R 166)
Bahamas	61 to 66 and 68	67
Bahrain	63 to 68	—
Bangladesh	58 to 65	66, 67 and 68
Barbados	51 to 68	—
Belgium	31 to 67	68
Belize	—	68
Benin	45 to 65	66, 67 and 68
Bolivia	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62	60 (R 151), 63, 64, 65, 66, 67 and 68
Botswana	—	64, 65, 66, 67 and 68

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), 54 (C 131; R 135), 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 (C 132; R 136), 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, 67 and 68
Bulgaria	31 to 68	—
Burma	31 to 67	68
Burundi	47 to 68	—
Byelorussian SSR	37 to 68	—
Rep. of Cameroon	44 to 67	68
Canada	31 to 67	68
Cape Verde	65 to 68	—
Central African Republic	45 to 64 and 66 to 68	65
Chad	45 to 54	55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68
Chile	31 to 67	68
Colombia	31 to 68	—
Comoros	65 to 68	—
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, 67 and 68
Costa Rica	31 to 63, 64 (C 150; R 158), 67 (C 155) and 68 (C 157)	64 (C 151; R 159), 65, 66, 67 (C 154, 156; R 163, 164, 165) and 68 (C 158; R 166)
Cuba	31 to 62, 63 (C 148, 149; R 156), 64, 65 (C 152; R 160), 67 (C 154, 155, 156; R 164, 165) and 68	63 (R 157), 65 (C 153; R 161), 66 and 67 (R 163)
Cyprus	45 to 67	68
Czechoslovakia	31 to 68	—

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, 67 and 68
Democratic Yemen	53 to 68	—
Denmark	31 to 65	66, 67 and 68
Djibouti	64, 65 and 67	66 and 68
Dominica	—	68
Dominican Republic . . .	31 to 62, 64 and 68	63, 65, 66 and 67
Ecuador	31 to 66	67 and 68
Egypt	31 to 68	—
El Salvador	31 to 61, 63 (C 149) and 64 (C 150)	62, 63 (C 148; R 156, 157), 64 (C 151; R 158, 159), 65, 66, 67 and 68
Equatorial Guinea	67	68
Ethiopia	31 to 53, 54 (C 131, 132; R 135), 55, 56, 62, 67 and 68	54 (R 136), 58, 59, 60, 61, 63, 64, 65 and 66
Fiji	59 to 63	64, 65, 66, 67 and 68
Finland	31 to 68	—
France	31 to 68	—
Gabon	45 to 64	65, 66, 67 and 68
German Democratic Republic	59 to 68	—
Federal Rep. of Germany	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), 67 and 68
Ghana	40 to 65	66, 67 and 68
Greece	31 to 45, 46 (C 118; R 116, 117), 47 to 61, 62 (C 147; R 155), 63 to 66 and 67 (C 154; R 163)	46 (C 117), 62 (C 145, 146; R 153, 154), 67 (C 155, 156; R 164, 165) and 68
Grenada	—	66, 67 and 68
Guatemala	31 to 67	68
Guinea	43 to 67	68

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)
Guinea-Bissau	—	63, 64, 65, 66, 67 and 68
Guyana	50 to 66	67 and 68
Haiti	31 to 66	67 and 68
Honduras	39 to 66 and 68	67
Hungary	31 to 68	—
Iceland	31 to 67	68
India	31 to 68	—
Indonesia	33 to 65	66, 67 and 68
Islamic Republic of Iran .	31 to 61	62, 63, 64, 65, 66, 67 and 68
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), 64 and 68	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, 67 and 68
Israel	32 to 67	68
Italy	31 to 68	—
Ivory Coast	45 to 68	—
Jamaica	47 to 53, 54 (C 131; R 135), 55 to 60	54 (C 132; R 136), 61, 62, 63, 64, 65, 66, 67 and 68
Japan	35 to 67	68
Jordan	39 to 66 and 68	67
Kenya	48 to 63	64, 65, 66, 67 and 68
Kuwait	45 to 68	—
Lao Republic	—	48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68

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), 67 and 68
Lesotho	—	66, 67 and 68
Liberia	31 to 68	—
Libyan Arab Jamahiriya	35 to 63	64, 65, 66, 67 and 68
Luxembourg	31 to 68	—
Madagascar	45 to 54, 56 to 68	55
Malawi	49 to 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68
Malaysia	41 to 67	68
Mali	44 to 67	68
Malta	49 to 55, 56, 58 to 64, 65 (C 152; R 160), 66 and 67	65 (C 153; R 161) and 68
Mauritania	45 to 67	68
Mauritius	53 to 58, 59 (C 139; R 147), 61 and 62	59 (C 140; R 148), 60, 63, 64, 65, 66, 67 and 68
Mexico	31 to 67	68
Mongolia	53 to 67	68
Morocco	39 to 65 and 67	66 and 68
Mozambique	63 to 68	61 and 62
Nepal	54 (C 131) and 62 to 65	51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60, 61, 66, 67 and 68
Netherlands	31 to 63, 64 (C 150; R 158), 65, 66 and 67 (C 154; R 163)	64 (C 151; R 159), 67 (C 155, 156; R 164, 165) and 68
New Zealand	31 to 68	—
Nicaragua	40 to 68	—

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)
Niger	45 to 66	67 and 68
Nigeria	45 to 64, 67 and 68	65 and 66
Norway	31 to 68	—
Pakistan	31 to 66	67 and 68
Panama	31 to 68	—
Papua New Guinea	61 to 65	66, 67 and 68
Paraguay	40 to 67	68
Peru	31 to 64 and 67	65, 66 and 68
Philippines	31 to 66	67 and 68
Poland	31 to 67	68
Portugal	31 to 66	67 and 68
Qatar	58 to 61	62, 63, 64, 65, 66, 67 and 68
Romania	39 to 68	—
Rwanda	47 to 68	—
Saint Lucia	—	66, 67 and 68
San Marino	—	68
Sao Tomé and Príncipe . .	—	68
Saudi Arabia	61 to 68	—
Senegal	44 to 67	68
Seychelles	—	63, 64, 65, 66, 67 and 68
Sierra Leone	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64, 65, 66, 67 and 68
Singapore	50 to 66	67 and 68
Somalia	45 to 67	68
Spain	39 to 62, 63 (C 148; R 156, 157), 64 (C 150; R 158, 159), 65 (C 152; R 160, 161) and 66	63 (C 149), 64 (C 151), 65 (C 153), 67 and 68
Sri Lanka	31 to 66	67 and 68
Sudan	39 to 66	67 and 68
Suriname	61, 62, 63 and 64	65, 66, 67 and 68
Swaziland	60 to 67	68
Sweden	31 to 68	—

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 68	—
Syrian Arab Republic . .	31 to 58 (C 138; R 146), 59, 60 and 61	58 (C 137; R 145), 62, 63, 64, 65, 66, 67 and 68
United Republic of Tanzania	46 to 65	66, 67 and 68
Thailand	31 to 66	67 and 68
Togo	44 to 68	—
Trinidad and Tobago . .	47 to 64	65, 66, 67 and 68
Tunisia	39 to 61 and 63	62, 64, 65, 66, 67 and 68
Turkey	31 to 68	—
Uganda	47 to 65	66, 67 and 68
Ukrainian SSR	37 to 68	—
United Arab Emirates . .	58 to 63	64, 65, 66, 67 and 68
United Kingdom	31 to 68	—
United States	31 to 60, 62 (C 145, 146; R 153, 154), 63 and 66 to 68	61 and 62 (C 147; R 155)
Upper Volta	45 to 58, 60 (C 143; R 151), 61 to 64, 66 and 67	59, 60 (C 141, 142; R 149, 150), 65 and 68
Uruguay	31 to 67 and 68 (C 158; R 166)	68 (C 157)
USSR	37 to 67	68
Venezuela	31 to 63, 64 (C 150, 151; R 158), 65 (C 153; R 161) and 67 (C 155, 156; R 163, 164, 165)	64 (R 159), 65 (C 152; R 160), 66, 67 (C 154) and 68
Yemen	49 to 64	65, 66, 67 and 68
Yugoslavia	31 to 68	—
Zaire	45 to 61 and 63 to 65	62, 66, 67 and 68
Zambia	49 to 66	67 and 68
Zimbabwe	66 to 68	—

Appendix II. Overall position of Member States as at 21 March 1984

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	6	2	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)	115	2	8	125
60 (June 1975)	112	4	10	126
61 (June 1976)	114	—	17	131
62 (October 1976)	109	3	20	132
63 (June 1977)	105	3	27	135
64 (June 1978)	102	6	28	136
65 (June 1979)	92	5	42	139
66 (June 1980)	80	— ¹	64	144
67 (June 1981)	73	6	66	145
68 (June 1982)	50	3	97	150

¹ At this session the Conference adopted one Recommendation only.

**Report on direct contacts
with the Government of the Netherlands
regarding the implementation of the
Freedom of Association and Protection
of the Right to Organise Convention, 1948 (No. 87)**

**Report by Professor John P. Windmuller,
representative of the Director-General of the
International Labour Office,
on direct contacts with the Government of the Netherlands
regarding the implementation of the
Freedom of Association and Protection
of the Right to Organise Convention, 1948 (No. 87)**

I. Introduction

1. At the 69th (1983) Session of the International Labour Conference during discussion of the question of the observance by the Netherlands of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in the Conference Committee on the Application of Conventions and Recommendations, the Government of the Netherlands accepted the proposal that a direct contacts mission be carried out to the country by a representative of the Director-General. The Director-General accordingly designated me as his representative to carry out such a mission. Arrangements were made for the mission to take place from 8 to 15 January 1984. I was accompanied by Mrs. Jane Hodges of the Freedom of Association Branch of the International Labour Standards Department. It was indicated to the Government that the mission would like to meet with the Minister of Social Affairs and Employment, the representatives of the three trade union federations and the two employers' federations, as well as any other persons who might assist the mission in establishing the facts and clarifying the difficulties that had arisen in connection with the application of Convention No. 87. The Government was also informed that it would be desirable to have as frank and detailed discussions as possible with all parties concerned with a view to arriving at a situation which would be in full conformity with the Convention.

2. Throughout the mission the Government provided every facility to enable me to complete my task, including the elaboration of a detailed programme of meetings, the provision of various background documents and a written briefing paper. The meetings commenced on Monday morning with the mission being received at the Ministry by several officials of the Ministry of Social Affairs and Employment, following which a formal meeting took place with the Minister of Social Affairs and Employment, Mr. de Koning. Over the ensuing days the mission met with the following persons: the Deputy Director-General for Matters of General Policy of the Netherlands Ministry of Social Affairs and Employment, Mr. A.B. Raven, accompanied

by other staff members of the Ministry; a delegation from the Confederation of the Netherlands Trade Union Movement (FNV) headed by Mr. W. Kok, President of the FNV; a delegation from the Federation of Christian Trade Unions (CNV) headed by Mr. A. Hordijk, General Secretary of the CNV; a delegation from the Federation of Middle and Senior Staff Personnel (MHP) headed by Mr. W.W. Muller, Vice-President of the MHP. Meetings also took place with representatives of the various affiliates of these organisations including, on the FNV side, the ABVA/KABO (Civil Servants Union), the Dienstenbond (the Public Servants Social Security and Public Health Union), the Vervoersbond (Transport Union) and on the CNV side, the CFO (Civil Servants Union), and the Dienstenbond (the Social Security Employees and Broadcasting Union). On the employer side the mission met with a delegation from the Federation of Netherlands Industry (VNO) headed by Mr. C.H.A. van Vulpen, Director-General of the VNO; a delegation from the Christian Employers Association (NCW) headed by Mr. J.K. Bout, General Secretary of the NCW; representatives of various individual employers' associations including the National Hospital Council, the Netherlands Railways, the Netherlands Broadcasting Foundation and the Joint Administration Office of Social Insurance Funds. Discussions also took place with a delegation from the Social and Economic Council (SER) headed by Mr. J.W. de Pous, Chairman of the SER and a delegation of the Standing Committee for Social Affairs and Employment of the Second Chamber of Parliament. In addition to these meetings, a final meeting took place with the Minister of Social Affairs and Employment.

3. The principal issue discussed during the mission - government intervention in free collective bargaining by means of unilateral imposition of wage restraint legislation - had its origins in a letter dated 6 December 1976 from the FNV to the ILO within the framework of the regular procedure under article 22 of the ILO Constitution for the examination of the application of ratified Conventions, which complained of the Government's use of section 10 of the Wage Determination Act, 1970. The Committee of Experts on the Application of Conventions and Recommendations, in its 1977 Report, found the Government measures to be permissible. In October 1979 and February 1980, the FNV wrote to the ILO in the same context complaining of Government use of the Temporary Act on Conditions of Employment in the Public Sector, 1979, and the imposition of a Government wage freeze under the 1970 Act provisions. In its 1980 Report, the Committee of Experts asked the Government for information on developments in this respect. Subsequently the Netherlands Council of Employers' Federations made similar comments which were attached to the Government's report of November 1980. In its 1981 report, the Committee of Experts noted the efforts made by the Government to reach agreement on a tripartite basis but added that it could not fail to observe that the Government had for six years been repeatedly and almost continuously taking measures to restrict bargaining on wages; the Committee asked the Government to keep it informed of any measures it envisaged taking in this connection. In January, February and March 1982 the Netherlands Council of Employers Federations, the CNV and the FNV, respectively, wrote to the ILO complaining of further use of the Wage Determination Act to restrain free collective bargaining in the private sector. In its 1983

report, the Committee of Experts requested the Government to indicate what steps had been taken or were under consideration regarding these restrictions. In May, July and August 1983 the FNV again complained of the Government's use of the Temporary Act on Conditions of Employment in the Public Sector, and in August and December 1983 the CNV and the Netherlands Council of Employers' Federations, respectively, informed the ILO of their position as regards general wage measures and as regards the Temporary Act on Conditions of Employment in the Public Sector. The Conference Committee on the Application of Conventions and Recommendations discussed the main issues in 1980, 1981 and 1983, the 1983 discussion resulting, as stated above, in the acceptance by the Government of a direct contacts mission to examine the issues involved.

II. Imposition of wage measures by the Government

A. Background of current measures

4. Since 1945, when economic reconstruction from the devastation caused by war and foreign occupation became the overriding national goal, Dutch governments have consistently regarded wage measures and wage controls to be an indispensable instrument of general economic policy. A brief review of the types of measures used will enhance an understanding of the reasons that led the organisations of workers and subsequently the organisations of employers to complain about the failure of the Government of the Netherlands to adhere to the terms of Convention No. 87 (ratified 1950).

5. An Extraordinary Decree on Labour Relations (BBA) was issued in 1945 as an emergency measure. It conferred sweeping powers on government to control wages, including the power to declare collective agreements valid or invalid, to make wage measures applicable to the entire economy, or to confine their application to specified economic sectors. As it turned out, what was intended to be a temporary measure remained in effect for over two decades, although some modifications were introduced in the 1960s. In 1963 the administrative responsibility for overseeing the application of the BBA was shifted from a government agency (the so-called Board of Government Mediators) to a private institution established in 1945 by the central bodies of the social partners - the Foundation of Labour. The Government, however, still retained the ultimate right to set limits on wage movements. In 1967 the Foundation of Labour advised the Government to adopt a policy of unfettered wage bargaining. The Government responded by drafting a Wage Determination Act which was passed by Parliament in 1970. This Act incorporated the principle of free wage bargaining in the sense that collective agreements henceforth no longer required approval by an authority designated for that purpose. But the Act explicitly left open nevertheless the possibility for the Government to issue a general wage order superseding the terms of a collective agreement if the responsible Minister considered such an order to be required by the state of the national economy (section 10). Another part of the

Act (section 8) granted power to the Government to declare the specific terms of a collective agreement invalid within four weeks after the agreement had been filed with the Governmental Wage Bureau if, in the opinion of the Minister of Social Affairs, such a declaration was required by the national interest. This last provision was criticised particularly by the workers' organisations as an unacceptable deviation from the general principle of free negotiations embodied in the law. When in the same year (1970) the tripartite Social and Economic Council (SER) advised the Government by unanimous vote to refrain henceforth from any specific intervention in wage and price setting, the Government agreed not to make use of section 8. In 1976 it was stricken from the law.

6. Section 10, however, was invoked for the first time in the first half of 1971. The legal basis for further government intervention for one year in the areas of wages, prices, dividends and rents was created by the Enabling Law of 1974, although the actual impact of the measures imposed under it was of only limited effect.

7. In 1976 a temporary amendment to the Wage Determination Act (1970) enabled the Government to freeze wages and to issue measures determining the amount to which workers were entitled as compensation for price increases. A further measure not directly applicable to collectively bargained terms of employment, but nevertheless revealing of the Government's persistent concern with control over wage formation, was the Temporary Law on Incomes set by collective agreements (1978). This Act, whose duration has since been extended several times, is intended to restrain improvements in wages and working conditions for employees not subject to a collective agreement in about the same way as collective agreements subject to government wage orders are also considered to exert a restraining influence.

8. The 1978 Act was followed in 1979 by the adoption of specific provisions for the "collective" or "non-profit" sector where the Government is the ultimate source of financing. Having since been extended several times, this legislation enabled the Government to restrain the movement of wages and wage-related costs in this sector so as to fit into the Government's budgetary and economic policies. A more detailed review of this legislation and its impact on collective bargaining in the non-profit sector is contained in Part III of this report, entitled "Trend followers".

9. By separate provision but of general applicability the Government in 1979 imposed a ceiling on cost-of-living increases which was confined, however, to higher income earners. This was followed in 1980 by an initial general wage freeze and subsequently by a detailed set of controls governing wage changes under authority of the 1970 Wage Determination Act as amended. Finally, the Government imposed ceilings both in 1981 and 1982 on permissible cost-of-living adjustments and vacation bonuses which also applied to the already negotiated provisions in collective agreements.

10. The overall pattern which emerges from this brief review is one in which, as noted by the Committee of Experts in its 1983 Observation, "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 ...". Actually, an analysis of the post-war period as a whole would probably indicate

the existence of three subperiods: (a) an initial period from 1945 to about the early or mid-1960s, characterised by a high degree of government supervision of collective bargaining and wage determination; (b) a second period from about the mid-1960s to roughly the mid-1970s, marked by a strong tendency to diminish the Government's role; and (c) a period of severe economic difficulty from the mid-1970s to about 1983, noted for the reassertion by government of the ultimate power to set wages and working conditions and to supersede the terms of collective agreements if this appears necessary to the government in light of its overall economic policies and responsibilities.

11. It was the trend of developments during the last of these three subperiods that on several occasions led the organisations of workers and employers to complain of repeated violations by the Netherlands Government of Convention No. 87.

B. Receivability under Convention No. 87

12. In its responses to the complaints the Government of the Netherlands has always taken the position that Convention No. 87 does not apply to the measures which the Government has taken and about which the complaints have been submitted. This was the first item that arose in the discussion between the mission and representatives of the Government. Article 3 of Convention No. 87, according to the Government, concerns interference with the internal organisation and administration of trade unions rather than with collective bargaining to which Convention No. 98, not ratified by the Government, is applicable. The Government does assert however, that it has nevertheless sought to comply as far as possible with Convention No. 98 and that in any event an obligation analogous to the one contained in Convention No. 98 is incorporated in the European Social Charter which the Netherlands has ratified.

13. In this connection I made several observations to the representatives of the Government. A distinction between the two Conventions was drawn by the Committee of Experts in 1977 when it noted that Convention No. 98 required an affirmative action by the public authorities in the sense of encouraging and promoting the full development of machinery for voluntary collective bargaining, whereas Convention No. 87 required the public authorities to refrain from interference with collective bargaining.

14. In any event Convention No. 87 would be meaningless without the right of workers' and employers' organisations to engage in that function which in almost all instances is central to their existence, namely collective bargaining.

15. I also took the liberty of pointing out that the Committee of Experts was an independent and quasi-judicial body whose interpretation of the perhaps not always perfectly clear language of Conventions (which did after all emerge from a process of compromises between many different interests) was entitled to be regarded as the best available opinion.

16. Finally I called attention to the point that the Committee of Experts had at no time held that Convention No. 87 conferred an absolute right to free collective bargaining but that, on the

contrary, it had recognised the right of governments to impose restrictions under limited and specified circumstances.

C. Recent developments in
government policies

17. On 8 December 1983, the Government submitted a Note on Incomes Policies to Parliament in which it outlined a significantly new approach to the role of government and the social partners in collective bargaining. Before indicating the most important specific items contained in this Note, two preceding developments of direct relevance must first be noted.

18. Towards the end of 1982, the central organisations of unions and employers represented in the Foundation of Labour succeeded in arriving at a top-level bipartite agreement according to which they advised their own constituents, the workers and employers organisations at the level of individual industries, to take into account two overriding objectives in their collective bargaining negotiations: the restoration of the profitability of corporate enterprise and an improved distribution of available job opportunities. It should be pointed out that these objectives were conveyed to the bargaining partners without prejudice to their freedom of collective bargaining, but it hardly needs to be said that the terms of the central accord exerted a strong influence on both sides to the negotiations. For its part, the Government supported the central accord by passing legislation which made it possible for certain parties to renegotiate already concluded agreements so as to take into account the key provisions agreed upon by the central organisations. Given this central accord, the Government adopted no general wage measure in 1983.

19. The second development was the issuance in February 1983 by the tripartite Social and Economic Council (SER), the official 45-member advisory body to the Government on all economic and social policies, of a nearly unanimous recommendation concerning wage determination legislation. The recommendation was the SER's response to the Government's request for advice submitted in 1979. As its point of departure the SER recommendation cited explicitly the criteria identified by the ILO Committee of Experts to determine the eventual justification of government intervention in the wage-setting process, namely that the measure had to be exceptional, that it should be applied only to the extent necessary, that it should not exceed a reasonable period, and that it should be accompanied by adequate safeguards to protect the workers' standard of living (SER, Advies wetgeving inkomensvorming, Section 2.1.3 Criteria).

20. A large majority of SER members recommended that the chief responsibility for primary incomes formation should be in the hands of the social partners and that the authority of the Government to intervene should be contingent on the existence of specified conditions among which the following were emphasised:

- (a) an acute economic emergency situation caused by an abrupt change of external origin;

- (b) a coherent and balanced overall economic policy aimed at recovery of the national economy and fairly distributed in its application among the various categories of income earners and income sources;
- (c) clearly defined objectives not attainable more readily in some other way;
- (d) prior consultations with the SER, the Foundation of Labour and other organisations as determined by the Minister [of Social Affairs],
- (e) a maximum duration of one year, with eventual extensions possible only by means of separate legislation and then only if no violence is done to existing international obligations;
- (f) measures to be global or general rather than partial and differentiated.

D. Government's Incomes Note of 8 December 1983

21. It is against this background - and particularly the basic agreement in the Foundation of Labour and the SER recommendation - that one must view the Government's decision to submit to Parliament the Incomes Note of 8 December 1983, i.e. a few weeks before the agreed date for the visit of the ILO mission. After stipulating that the Government's first priority is to seek improvements in the employment situation, a stronger market sector and rehabilitation of the Government's financial situation, and after asserting that incomes policy, too, must make a contribution to economic recovery, the Government expresses the view in the Note that the determination of incomes in the market sector is in the first instance the responsibility of the social partners themselves and, consequently, that the Government must adopt the greatest possible restraint with regard to exerting direct influence on the outcome of collective bargaining. The Note then proceeds to specify the conditions under which the Government may exceptionally issue a wage control measure. They follow closely, even if not identically, the conditions already stated in the SER recommendation of February 1983, as indicated above. The Note makes clear that the Government will ask Parliament to amend the 1970 Wage Determination Act in accordance with these conditions. The Note also indicates that the Government has decided not to seek to replace the 1970 Act by a much broader Comprehensive Law on Incomes Formation (Raamwet) but instead to desist from it in accordance with the recommendation of the SER and in order to exercise restraint in the issuance of rules for which there is no absolute need.

22. In a discussion paper prepared for the ILO mission, the Government stressed its seriousness about promoting free collective bargaining. It urged that what was at stake now was not so much the past record but the need for a joint effort "to reach a situation in which intervention on wages will really be confined to exceptional situations". The paper concluded that even if government actions had "not been entirely in conformity with treaty obligations in the past, developments over the last few years warrant the finding that these obligations are certainly being taken seriously".

E. Views of the parties

23. The documentary record of this case contains in considerable detail the views of the parties on the extent to which wage measures imposed by the Government of the Netherlands since 1976, when the first complaint was lodged, have been in or out of compliance with the provisions of Convention No. 87. A brief summary will suffice to note them. Unfortunately, the Government's Incomes Note of 8 December 1983 was issued too late for the organisations of workers and employers to have prepared observations thereon for discussion with the mission. It also appeared to the mission that at least in some instances a definitive point of view had not yet crystallised because there had not been an adequate opportunity for the parties to clarify certain details in the Government's Note, nor had there been time for extensive internal discussions. Since the organisations of workers and employers have been the complaining parties and since the Government's views have been largely a response to the complaints and a defence of the Government's policies, the views of the workers and employers, respectively, will here be given first.

1. The organisations of workers

24. The workers' organisations are of the view that Government interventions have not been justified by the economic situation at any given time, that they were often hasty, as well as harsh and unnecessary. They also allege that the Government has used its powers to intervene not because this was necessary but because intervention happened to fit into government policies. Moreover, they were in agreement that, despite repeated failures over the years to reach a central agreement at top level, collective bargaining could nevertheless have been successful at the level of individual industries and enterprises but that excessively hasty actions by the Government in response to failure to reach a central agreement precluded such a possibility from developing.

25. The organisations of workers also shared the view that they have on many occasions shown a high degree of responsibility in their collective bargaining demands and that the Government's frequent wage measures indicate an unmerited sense of mistrust in their concern for the national economic interest.

26. In so far as differences of views exist between the organisations of workers, they generally are expressed by the FNV's willingness to agree that under certain circumstances measures restricting free collective bargaining could be acceptable if meaningful consultations have been held with all the affected parties, whereas the CNV tends to take the view that all such measures are in principle unacceptable. The mission found that these differences carried over into the preliminary attitudes of the two organisations towards the Government's Incomes Note. Pending further study, the FNV apparently had no objections in principle to the Incomes Note while reserving its position on detailed provisions, whereas the CNV told the mission that it objected to any form of standby legislation as a potential impetus for government intervention in collective bargaining. The only legislation which the CNV might find acceptable

is ad hoc legislation to empower the Government in a specific situation to intervene where other means of action are not suitable or adequate.

27. The representative of the MHP declared to the mission that, although his organisation had not yet complained to the ILO about the Government's policies, it nevertheless viewed with concern the Government's past measures impinging on the area of free collective bargaining. As to the Government's Incomes Note, the MHP representative indicated that his organisation's reaction was closer to that of the FNV than of the CNV.

2. The organisations of employers

28. The organisations of employers which are co-ordinated by the Netherlands Council of Employers' Federations (RCO) and whose representatives signed the letter to the ILO of 28 January 1982, are of the opinion that the Government has repeatedly undermined free collective bargaining as guaranteed by Convention No. 87 by misusing the 1970 Wage Determination Act, preventing genuine negotiations by premature interventions, and allowing only insufficient consultations before resorting to wage measures. The employers also assert that the Government's wage measures have not met the limiting criteria for intervention established by the ILO Committee of Experts and that the actual purpose of the measures has not coincided with the Government's stated purpose. Concerning the Government's recent Incomes Note with its implicit proposals for amending the 1970 Act, the employers expressed a decided preference for no legislation at all. They also called attention to the fact that one of the Government's specified conditions for prospective intervention in the process of wage bargaining, namely the existence of an acute economic emergency situation, lacked the important additional qualification attached to it in the original recommendation of the SER that the cause should be an abrupt change of external origin. The employers considered the omission of the reference to an external origin to open the door to a host of potential domestic reasons for government intervention, including trivial or unjustifiable reasons.

29. Neither the documentary record nor the mission's discussions with representatives of employers' organisations indicated any difference of views among them.

3. The Government

30. Because the Government is already on record with detailed replies to the equally detailed complaints filed by the organisations of workers and employers concerning alleged violations of Convention No. 87, only the Government's overall position will be noted here. From the Government's viewpoint, the social partners have emphasised in their letters of complaint to the ILO the centrality of the principle of free collective bargaining. But for the Government there is no single principle which overshadows all the others. Instead, where several different principles impinge on an issue, they each have to be accorded their proper weight, depending on the specific circumstances. In taking this position the Government does

not deny that freedom of collective bargaining is a human right, and indeed an important one. But it, too, must be set against other human rights that the Government may have to take into account, including for example the fair distribution of incomes or the need to improve the employment situation. Unfortunately it is not always possible to accord each right the fullest exercise without the possibility of a conflict with equally worthy rights. In those instances government must make choices from which it cannot escape.

31. With regard to the allegation of having conducted only hasty and pro forma rather than genuine consultations, the Government admits that frequently they do take place under pressure because of the legislative and budget-making timetables. However, the Government is prepared to help improve that situation by, for example, instituting consultations with the central organisations aimed at policy reviews for terms longer than a single year.

32. Concerning the allegations of an apparent lack of trust in the social partners, the Government implicitly concedes that this is indeed a problem but one for which it has no ready solution to offer at present. According to the Government, the problem arises from the discrepancy between assertions by the parties that their settlements will not result in wage cost increases and the Government's conclusion, based on the bargaining positions of the parties, that not only will there be such increases but also that they will be in excess of the economy's ability to absorb them.

III. Trend followers

33. The question of Government intervention in free collective bargaining as it affects that category of workers commonly referred to as "trend followers", which was raised as early as October 1979 by the FNV, was looked at separately by the mission in view of recent communications from that organisation, the CNV and the Netherlands Council of Employers' Federations. This category of workers comprises about 500,000 para-public servants employed by institutions which are either financed (wholly or partly) directly out of public means, i.e. out of the Government's budget (e.g. the Netherlands railways, welfare institutions, old persons' homes) or from national insurance contributions within the framework of the application of the social insurance Acts (e.g. hospitals). This category is also called the "non-profit" or "collective" sector or the "subsidised and national insurance sector". The term "trend followers" is commonly used to describe the employees in this sector because their terms of employment have normally followed wage trends in the private sector. It is important to note when considering this group of workers that all the parties with whom the mission spoke agreed that the institutions concerned are not agencies of government and that their employees, not being appointed by the Government, have no civil service status.

34. Traditionally these workers were free to negotiate their terms and conditions of employment with the boards and managers responsible for operating the various institutions. On 1 July 1979, however, this freedom was restricted by the Government's introduction

of the Temporary Act on Conditions of Employment in the Public Sector (Tijdelijke Wet Arbeidsvoorwaarden Collectieve Sector) which was subsequently, on 1 January 1980 and 30 June 1982, prolonged and amended. The Temporary Act is due to expire on 1 July 1984. Its main provisions are as follows:

"Section 4

1. Our Minister for Social Affairs and Employment in agreement with our ministers whom it concerns may fix rules with regard to the conditions of employment of employees employed by employers as designated under section 2.
2. The rules referred to in subsection 1 with reference to the wage trend of employees referred to in subsection 1 are fixed such that they correspond as closely as possible with the salary trend of civil servants employed by the State.
3. The rules as referred to in subsection 1 may have retroactive force up to the day of this Act coming into operation.

[...] Section 9. Every stipulation between an employer and an employee counter to the provisions by virtue of section 4, subsection 1 is invalid. Instead of such a stipulation the conditions of employment in accordance with the provisions under section 4, subsection 1 are applicable."

35. The mission was able to discuss the question of the "trend followers" in the light of two recent developments, namely, the publication in September 1983 of the Social and Economic Council's "Recommendation on wage determination in the non-profit sector" and the Government's release in December 1983 of its "Draft for a structural regulation of conditions of employment in the National Insurance and Subsidised Sectors".

36. The SER recommendation distinguishes conceptually between three possible roles which the Government may assume in its capacity as an employer vis-à-vis the "trend followers" in order to determine to what extent, if any, it may participate in determining the terms and conditions of employment. The first category includes those institutions and enterprises where the Government has by law been designated as the employer, as in the civil service sector. Here the Government itself sets the terms of employment. The second category refers to those institutions and enterprises where the Government is the employer not in a juridical but rather in a material sense. Here the Government bargains directly with the organisations of employees belonging to this category. The third category contains those institutions and enterprises with respect to which the Government is neither legally nor materially the employer. Regarding this category a majority of SER members subscribe to the view that the terms of employment should be set by a process of free collective bargaining along the same lines as prevail in the private sector, irrespective of whether the expenditure budgets of the institutions in this sector are met from government funds or whether they are financed entirely from contributions paid in accordance with the terms of the social insurance legislation. This majority regards any government intervention in setting the terms of employment for the third category

as contrary to ILO Conventions Nos. 87 and 98, and it explicitly calls attention to the restrictive criteria for government intervention elaborated by the Committee of Experts.

37. The delegation from the SER explained to the mission that the Government does not agree with the conceptual analysis contained in the SER recommendation of September 1983 since the Government considers that when an institution is financed wholly or in part by public funds the Government must have the right ultimately to determine the extent of its financial liability. This includes the terms and conditions of employment. In addition, it was pointed out to the mission that the Government considers it has a responsibility to ensure the level and quality of the services available to the public and therefore has an added interest in the terms and conditions of employment.

38. In discussions with the mission, the Minister of Social Affairs and Employment and other government representatives emphasised the points raised above, in particular the Government's responsibility for the continued availability - as well as the quality - of services in this sector which are necessary for the functioning of society in the light of prevailing social views and expectations. This responsibility, in the Government's view, takes on added significance by virtue of the fact that when the employers (the boards of the institutions) and the employees' organisations in the non-profit sector negotiate the terms and conditions of employment, no countervailing power exists that would be equivalent to the situation in the market sector where such factors as corporate profitability and the state of the labour market influence the position of the negotiators. Given its responsibility and its financial obligations, the Government considers that it cannot and must not be indifferent to the development of labour costs in the non-profit sector. Moreover, it was pointed out to the mission that the services provided by this sector are highly labour-intensive (and are likely to remain so in the foreseeable future) and consequently that the size of the service "package" has direct consequences for the level of employment.

39. The Government representatives explained that the search for an improved structure of consultation on conditions of employment in this sector, taking into account adherence to the principle of free collective bargaining as well as the Government's responsibility for the manner in which appropriations for public services are utilised, was the motivation for the Draft structural regulation of December 1983. The Government representatives stressed that the present Temporary Act does not rule out collective agreements and stated that since 1978 many collective agreements have been concluded in this sector where they did not exist before.

40. In further discussing the Government's "Draft for a structural regulation of conditions of employment in the National Insurance and Subsidised Sectors", the Government representatives pointed out that it contained a proposal for a new law to cover this sector which would contain the following criteria to determine its scope: it would cover those institutions which are structurally and to an important extent financed from public resources. In addition, the new law would contain the possibility for the Minister to issue directives to the institutions concerned on certain elements in

negotiations where points of general government policy were involved (e.g. reduction of working time); it has not yet been decided whether the various Ministries concerned could issue specific directives to specific sectors. The proposed practice would be the following: the Government would determine, after consultations with the workers' and employers' organisations at the national level, the ceiling for wage development in the sector as a whole. The Government would propose this ceiling, together with the proposed budget for the next year, to Parliament around mid-September of every year. Once the ceiling had been definitely determined (1 December) workers and employers could negotiate and conclude collective agreements, taking into account this ceiling. In their negotiations, workers and employers would also take into account other government guidelines. This structure, in the Government's view, would do justice to free collective bargaining and would restrict it only where it is restricted also in the market sector through the weight of countervailing power.

41. The workers' organisations with whom the mission spoke took a different view of both the Government's use of the Temporary Act on Conditions of Employment in the Public Sector and its "Draft for a structural regulation of conditions of employment in the National Insurance and Subsidised Sectors". As early as October 1979 the FNV made reference in its communication to the ILO to the Government's intervention in this sector by empowering the Minister to fix the conditions of employment in the institutions concerned in such a way that wage development would be as far as possible equal to wage development in the civil service; the FNV particularly complained that the Minister was empowered to invalidate collective agreements which had already been concluded in the institutions concerned. The FNV specifically raised the problem of the Temporary Act in its communications to the ILO of May, July and August 1983, and so did the CNV in its communication of August 1983. The organisations pointed out that not only had the Government nullified already concluded collective agreements in this sector, but it also had left the parties who had reached a collective agreement in doubt for some time as to which elements of the agreement could be implemented. During the mission's discussions with the workers' organisations involved, specific examples of this type of government intervention were cited: a Supplementary Decree concerning the collective agreement in the Hospital System, dated 30 June 1983 and made under the Temporary Act, expressly states that one of the articles (the most important article, according to the workers) in this collective agreement which had been concluded for hospital employees may not be applied. The representatives of the Railways Union gave the example of a collective agreement in their sector which had taken them several years to arrive at: although the agreement kept wages within the government limits, it was agreed that personnel involved in heavy work could take early retirement at 60 years of age; the signatories had to wait seven months for the Minister to approve the agreement and for it to become operative.

42. In discussions with the mission the workers' organisations supported a further argument made in the SER's recommendation of September 1983 against direct government intervention in the "trend followers" sector, namely that in the past system where this group

followed the wage trend in the private sector, the Government had the possibility of exerting indirect influence by attaching conditions to its subsidies to the institutions concerned or by determining by law the level of social security contributions which would, in turn, finance other institutions concerned. Furthermore, even in institutions set up by special legislation (such as the broadcasting institutions governed by the Broadcasting Act), the Government (through the Minister in charge of Broadcasting Affairs) was legally entitled to issue directives to the boards of management as to the functioning of the institutions. According to our interlocutors, since the workers' organisations in this sector are responsible and take into account in their bargaining not only the directives issued but also the national socio-economic interests, the existing system should not be changed and would continue to work to the benefit of all parties in the future provided that - and the SER recommendation stressed this point as well - the Government's indirect influence did not amount to the determination of the conditions of employment.

43. The workers' organisations in general were wary, and indeed keenly critical, of the Government's departure from the SER's September 1983 recommendation as reflected in the Government's "Draft for the structural regulation of conditions of employment in the National Insurance and Subsidised Sectors". They considered that under the proposed new system the Government would still control the content of collective agreements and would not allow genuine free collective bargaining between workers' and employers' organisations.

44. The employers with whom the mission met also considered the Temporary Act on Conditions of Employment in the Public Sector to have restricted free negotiations between employer and employee organisations on conditions of employment in the "trend-followers" sector. Representatives from the Netherlands Railways explained to the mission that the Government justified its interference by reference to the great demand on public funds to meet labour costs in this sector. The employers, however, saw faults with this type of government action: it resulted in a mixing of responsibilities both between the various Ministries involved within the Government and between the Government and the institutions concerned (for example, the railways are legally bound to follow certain directives of the Minister for Transport); it led to a de-linking of the conditions of labour policy from the other facets of an integrated policy suited to the particular structure of each institution; it voided the concept of freedom to contract of any meaning and diminished the sense of responsibility of the parties involved in collective bargaining; it intertwined budgetary and incomes policies with the conditions of employment to be negotiated; and it interfered with the rights of workers and employers in a sector which is comparable to the private sector. The employer representative from the National Hospital Council made the general point in this connection that the system as it stands under the Temporary Act restricted the individual employer from agreeing to better terms and conditions of employment with an individual worker where a standard collective agreement exists. He told the mission that, given that all the employers' organisations and the trade unions involved in this non-profit sector do respect the general financial responsibility of the Government, the latter should

fix the budgets of the "public" services after careful consultation with the appropriate authorities and Parliament. Limited by these budgets, and in accordance with the Netherlands Collective Labour Agreements Act, employers and workers would then be free to negotiate on wages and other conditions of employment.

45. The employers supported the SER recommendation of September 1983. They considered that the Government, to the extent that it finances the various institutions concerned, should assume its financial responsibility by fixing the subsidies, rates, charges and contributions involved, and it should, in turn, be able to negotiate directly the conditions of employment of the workers employed in institutions financed preponderantly and directly from the state budget. They pointed out, however, that most institutions in the non-profit sector do not fulfil this criterion.

46. The Government's "Draft for a structural regulation of conditions of employment in the National Insurance and Subsidised Sectors" does not, in the employers' opinion, overcome the difficulties encountered by the use of the Temporary Act. Although the employers had not yet had time to review the "Draft", they expressed their concern that, through it, the Government would continue to undermine the essential right to free collective bargaining.

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47. While noting that the present situation of the "trend followers" under the Temporary Act on Conditions of Service in the Public Sector is the subject of new proposals, the mission considers that it is in a position to reach some preliminary conclusions on this issue. First, from a reading of the Temporary Act and from the examples of government action taken by virtue of it, it would appear that the Government is not complying fully with the established principle of allowing the social partners to negotiate freely, a principle which is implicit in the terms of Convention No. 87 which the Netherlands has ratified. The wide powers given to the Minister under the Temporary Act to intervene in collective bargaining and to declare inoperative already concluded collective agreements also do not comply with the criteria that have been established by the ILO supervisory bodies for tolerable intervention in this domain. Specifically, the Temporary Act was not an exceptional measure imposed for a reasonable period of time - at least not in retrospect - and it is at least arguable whether it was accompanied by adequate safeguards to protect the workers' standard of living. Although called a Temporary Act, the legislation in question was initially adopted in July 1979 and as a result of several extensions and amendments will be in effect until at least 1 July 1984. The Government argues that the legislation is necessary to control bargaining outcomes which would otherwise result in the Government having to pay for wage increases which it cannot afford. Representatives of other parties, however, expressed the view to the mission that before the Temporary Act came into force the Government already possessed adequate indirect means for encouraging responsible bargaining. The mission was also told that the social partners had

continually striven to demonstrate that free collective bargaining could result in responsible agreements.

IV. Concluding observations

48. After almost four decades of frequent government intervention in the collective determination of wages and other terms of employment there are now several indications which demonstrate a substantially greater awareness of the obligations assumed by the Government of the Netherlands under ILO Convention No. 87.

49. As expressed in its Incomes Note to Parliament of 8 December 1983, the Government intends in the future to confine its interventions in the private or market sector to a relatively narrow range of circumstances that have been explicitly set forth in that document and that follow closely the criteria for intervention contained in the Recommendation on Incomes Determination submitted to the Government in February 1983 by the Social and Economic Council. The Recommendation, for its part, used as the principal point of departure the exceptional circumstances identified by the ILO Committee of Experts as justifying an intervention by the Government.

50. In its Incomes Note the Government explicitly recognises the principle that the primary responsibility for the collective determination of wages and other terms of employment belongs to the social partners and consequently, that intervention by the Government ought to be confined to truly exceptional situations. The absence of government-imposed wage measures for the private sector in 1983 and 1984 reinforces the impression that the Government has embarked on a good faith effort to limit its presence in wage determination to an irreducible minimum.

51. The mission was informed that the Second Chamber of the Parliament of the Netherlands will debate the Government's Incomes Note in March 1984; if Parliament subsequently incorporates the Government's proposed policy in appropriate amendments to the 1970 Wage Determination Act, the legislative basis for the Government's intervention in free collective bargaining will have been brought into substantially closer conformity with the terms of Convention No. 87 than has heretofore been the case.

52. The mission must emphasise, however, that these envisaged policy changes do not apply to the non-profit or collective sector. For reasons already reviewed above in detail, the Government does not appear ready to accept the recommendation of the Social and Economic Council of September 1983 which, if accepted, would reduce the Government's role in the determination of wages and conditions of employment in the non-profit sector to the same limited dimensions as are envisaged for the market sector. Hence there is a tangible prospect that the Government will not be meeting fully its obligations under Convention No. 87, although the workers in the non-profit sector are entitled to the same protection under Convention No. 87 in their right to bargain collectively as are the workers in the market sector. It should also be noted that the organisations of workers and employers have indicated their keen dissatisfaction with the Government's current policy and with its plans for the future

regulation of wages and other terms of employment in the non-profit sector.

53. The Government did indicate to the mission that it was making a substantial effort to harmonise the terms of Convention No. 87 with its other responsibilities by means of a new structural regulation for the determination of wages and working conditions in the non-profit sector. Although some consultations have already been held between the Government and the organisations of workers and employers in the non-profit sector - which, however, did not yet result in any agreement - the mission considers that the Government should be encouraged to engage in a more active programme of consultations to seek a consensus. Since the Government assured the mission that it recognises its international obligations but also cited its other responsibilities, and since the organisations of workers and employers have over the years consistently acknowledged their responsibilities to consider the needs of the national economy alongside their responsibility to their members, it is not inconceivable that an area of agreement can be found that might be acceptable to all the parties concerned. The mission realises, of course, that the parties are under considerable pressure of time since the present Temporary Act applicable to the non-profit sector expires on 1 July 1984.

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54. It is a pleasure for me to note in conclusion that the mission was received very cordially by all the parties and that the entire programme was carried out in a friendly atmosphere. I would particularly like to express my sincere thanks to the Government of the Netherlands for their extraordinarily efficient assistance in organising the mission's programme. I also wish to thank the representatives of the workers' and employers' organisations, as well as all the other persons with whom the mission met, for their great helpfulness.

(Signed) John P. Windmuller,

Ithaca, New York, January 1984.