

International Labour Conference
72nd Session 1986

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)



International Labour Office Geneva

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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 1985.

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

8223X

- 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		13, 105, 139, 141, 142	100, 137	140
Algeria		3, 13, 17, 29, 32, 81, 88, 100, 105, 122, 127	42	6, 89
Angola		1, 91, 105, 111		26, 98
Antigua and Barbuda				11
Argentina		68, 88	2, 12, 17, 19, 41, 42, 45, 79, 90	29, 105
Australia		29, 45, 100, 105	88	12
Austria		6, 29, 100, 102, 142	12, 17, 81, 88, 89, 103, 135, 141	105

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Bahamas		29, 88, 105	81, 98	11, 14, 17, 42, 45, 97, 144
Bahrain		81		89
Bangladesh		27, 29, 81, 107, 149	18	45, 89, 90
Barbados	144	29, 81, 100, 105, 108		12, 17, 42, 90, 135
Belgium	147	29, 81, 95, 100, 102, 105, 121, 125	5, 6, 10, 12, 14, 26, 56, 88, 89, 97 99, 115	45, 62, 120
Belize		81, 99	12, 88, 105, 108	42
Benin	143	111		11
Bolivia		20, 81, 88, 102, 122, 124, 129, 131	100, 120	45, 89, 90
Brazil	148	29, 88, 100, 107, 142	103, 105, 127	6, 42, 45, 108
Bulgaria		29, 87	100, 138	6, 12, 17, 42, 45, 79, 81, 108, 127
Burkina Faso		111		

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Burma		2, 29		6, 17, 42
Burundi		29, 81, 89, 105	1, 12, 17, 42, 94	90
Byelorussian SSR		29, 142	100, 111, 149	45, 79, 90, 138
Cameroon	108	9, 29, 81, 87, 94, 98, 100, 105, 122, 131	3, 135, 143, 146	11, 45, 89, 90, 97
Canada		87, 100, 105, 111, 122	1, 14, 26, 88	108
Cape Verde	111	29, 100, 105	98	17
Central African Republic		26, 87, 111, 119		3, 11, 98, 99
Chad		29, 81, 105	100	6, 41
Chile		2, 3, 29, 34, 111, 127	12, 17, 18	6, 45
Colombia		2, 9, 29, 88, 95, 105, 107	3, 5, 12, 17, 20, 26, 99, 100	4, 6, 18
Comoros		6, 29, 81, 89, 105, 122	100	12, 17, 42
Congo		29, 87		6, 89

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Costa Rica		88, 122, 129, 131, 134, 137, 144, 145, 147, 148	135	29, 45, 89, 100, 105, 138
Côte d'Ivoire		111, 136		
Cuba	87, 152, 155	11, 13, 29, 81, 88, 91, 103, 105, 108, 135, 141, 148, 150, 151	27, 42, 52, 53, 95, 138	12, 17, 21, 94, 100
Cyprus	150	29, 105, 119, 122, 151	44, 81, 88, 121	45, 89, 90, 141
Czechoslovakia		29, 142	12, 17, 42, 88	45, 89, 90, 100, 136
Democratic Yemen				29, 98, 105
Denmark		29, 42, 87, 98, 100, 102, 130, 134, 142, 147, 149, 150, 151	6, 12, 73, 81, 88, 129	27, 105, 135, 141
Greenland		29, 122	126	6, 105
Djibouti				6
Dominica	81			

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Dominican Republic		26, 29, 77, 81, 95, 100	88	45, 79, 89, 90
Ecuador		29, 77, 78, 81, 88, 100, 105, 114, 122, 141, 144, 148, 149	103	45, 111, 127
Egypt	9, 55, 56, 68, 69, 71, 73, 92, 134, 137, 139, 142, 145, 147	1, 23, 29, 81, 88, 94, 105, 111, 149	2, 17, 18, 100	22, 135
El Salvador		105, 107	12	
Ethiopia		88, 111	2	87
Fiji		29, 98, 105	59, 84	11, 12, 45, 85, 108
Finland	152, 154, 156	2, 81, 100, 121, 129, 135, 147, 148, 149, 151	12, 108	29, 45, 105, 141
France		29, 81, 100, 102, 105, 145	12, 17, 35, 36, 37, 38, 42, 89, 108, 135, 147	3, 6
<u>Overseas</u> <u>Departments:</u>				
French Guiana		29, 100	12, 17, 35, 36, 37, 38, 89, 108, 135	6, 32, 45, 105

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
<u>Overseas Departments: (cont.)</u>				
Guadeloupe		29, 100	12, 17, 35, 36, 37, 38, 89, 108, 135	6, 32, 45, 105
Martinique		29, 100	12, 17, 35, 36, 37, 38, 89, 108, 135	6, 32, 45, 105
Réunion		29, 100	12, 17, 35, 36, 37, 38, 89, 108, 135	6, 32, 45, 105
St. Pierre and Miquelon		29, 100	12, 17, 35, 36, 38, 89, 108	6, 37, 45, 105
<u>Overseas Territories:</u>				
French Polynesia		29, 81, 100, 115, 120, 122	12, 17, 63, 88, 89	6, 45, 105, 108
New Caledonia		19, 81, 98, 100	12, 17, 35, 36, 88, 89	6, 29, 45, 105, 108
Gabon		11, 29, 81, 100, 105	123	6, 12, 41, 45, 135

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
German Democratic Republic		111, 122, 142	100, 138	45, 108, 127, 135
Germany, Federal Republic of	152	29, 81, 100, 121, 122, 129, 142, 147, 150	12, 88, 99, 135, 144	45, 105, 141
Ghana		81, 87, 105	111	1, 11, 29, 30, 45, 88, 89, 90, 92, 100, 108, 119, 120
Greece	103	29, 81, 100, 105, 111, 147	2, 17, 42, 45, 73, 77, 78, 88, 90, 108	89
Guatemala	127	81, 87, 94, 98, 105, 108	88	45, 79, 89, 90, 100
Guinea	148, 150, 151	13, 29, 87, 94, 105, 115, 119, 120, 122, 134, 135, 139, 140, 142	143	3, 11, 45, 89, 90, 98, 99, 100, 111
Guinea-Bissau		1, 26, 68, 91, 92, 98, 105, 111		
Guyana	131, 134, 135, 136, 137, 139, 140, 141, 142, 144, 149, 150, 151	29, 64, 81, 100, 105, 111, 129	2, 12, 42	45, 108

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Haiti		87, 100, 105, 111	1, 24, 25, 30	
Honduras		27, 122, 138		42, 45, 105
Hungary		29, 100, 139	45, 135	2, 6, 12, 17, 42
Iceland	144	29, 91, 98, 100, 105, 111	2, 58, 108	11, 87
India		5, 29, 81, 88, 100, 123	42	45, 90, 141
Indonesia		29, 98, 100	120	27
Iran, Islamic Republic of	100			
Iraq	145	29, 81, 100, 105, 122	15, 42, 81, 88, 144	89, 135
Ireland		29, 81, 100, 105, 121, 142, 144	12, 22, 45, 69, 74, 88, 99, 108, 138	6, 8, 11, 16, 21, 27, 32, 43, 49, 62, 68, 92, 98, 132
Israel		81, 91, 105, 111, 122, 134, 136, 138, 142	79, 88, 100, 141	29, 90

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Italy		92, 100, 111, 122, 132, 138, 139, 145, 146, 147	12, 42, 103, 108	11, 97, 120, 129, 135, 141, 143
Jamaica		65, 87, 98	97	105
Japan		29, 45, 100	2	
Jordan		120, 124	81, 100, 111, 106, 122, 123	98
Kenya		29, 81, 105	12, 17	2, 11, 19, 27, 32, 45, 88, 89, 97, 99, 118, 129
Kuwait		1, 29, 30, 81, 87, 89, 105		
Lao People's Democratic Republic		13		
Lesotho		29	26	45, 98
Liberia		29, 53, 65, 104, 105, 111, 147		98
Libyan Arab Jamahiriya		88, 95, 104, 122, 131, 138	1, 26, 100	89, 96, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Luxembourg		29, 81, 100, 121, 132		12, 45, 79, 90, 105, 135
Madagascar		100		
Malawi		129		11, 12, 45, 89, 98, 99, 100, 107
Malaysia		81, 88		29, 45, 98, 105
Peninsular Malaysia			17	12
Sarawak				12
Mali		29, 81, 105	17, 18, 100	6, 41, 105
Malta		29, 81, 98, 111	12, 42	2, 87, 88, 89, 105, 108
Mauritania			94	17, 18, 22, 26, 84, 89, 90, 111
Mauritius		26, 29, 32, 81, 105	12, 14, 42, 59	64, 65, 99, 108
Mexico	152	43, 49		
Mongolia		103, 122		98, 100, 123

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Morocco		29, 105, 129, 147	2, 12, 17, 42, 100, 111	41, 45, 81
Mozambique		81, 88, 100, 105, 111	17	
Nepal		100, 111		
Netherlands		29, 81, 87, 100, 111, 121, 122, 142, 147	12, 88, 135	45, 90, 105, 129, 141
Netherlands Antilles		29, 58, 94, 105, 122	33, 90	9, 11, 12, 45, 88, 89
New Zealand	100, 111	81, 105	12, 17, 29, 42, 69	45
Tokelau				29, 105
Nicaragua		3, 9, 29, 63, 77, 88, 100, 105, 115, 117, 122, 127, 135, 136, 138, 139, 140, 144	12, 17, 18, 137	4, 6, 45
Niger		119		
Nigeria		81, 88	87, 100	45, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Norway	152, 154, 155	9, 16, 68, 81, 100, 122, 129, 138, 147, 148, 156	12, 42, 88, 108, 113, 135, 141	29, 90, 105, 151
Pakistan		105		81
Panama		15, 22, 29, 32, 68, 88, 100, 108, 122, 125, 127	9, 42, 89	45
Papua New Guinea			7	11
Paraguay		29, 81, 87, 98, 100, 105, 120		79, 89, 90
Peru		1, 29, 68, 88, 105, 122, 151	24, 25, 35, 36, 37, 38, 39, 40, 56, 71	41, 45, 79
Philippines		87, 88, 98, 100, 105, 141, 149	17, 110	89, 90
Poland	129	11, 29, 42, 87, 105, 134, 135, 142, 149, 151	2, 12, 17, 24, 25, 35, 36, 37, 38, 39, 40	45, 79, 90, 100, 127
Portugal	22, 23, 95, 120, 131, 145, 148, 150	8, 26, 29, 81, 88, 100, 105, 108, 111, 117, 122, 142, 144, 151	12, 17, 18	6, 45, 89, 135

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Romania		81, 88, 129, 135		6, 100, 108, 127, 134
Rwanda		81, 100	12, 17, 42, 138	89, 123
Sao Tomé and Príncipe	17, 81, 88, 111		100	
Saudi Arabia		1, 29, 30, 81, 100, 111		45, 89, 90, 105
Senegal		29, 87, 102, 105, 111, 120, 122		11, 26, 99, 100
Seychelles		2, 58, 105	26	5, 7, 10, 11, 16, 29, 99, 108
Sierra Leone		29, 88, 125, 126	100	
Singapore		29, 32, 65	8, 12, 81, 88	5, 45
South Africa		2		
Spain	150, 152	29, 45, 79, 88, 89, 100, 105, 129, 135, 141, 147, 148	12, 17, 20, 42, 81, 108	90, 127
Sri Lanka	106	29, 81, 99, 135	18	45, 90

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Sudan		2, 19, 29, 81, 98, 105, 111		
Suriname		29, 81, 88, 105, 135, 144, 150	87	17, 42, 151
Swaziland		12, 81, 87, 94, 96, 98, 111, 131, 144	26, 45, 59, 99 101, 123	11, 89, 90, 100,
Sweden	152, 154, 155, 156	88, 111, 121, 143, 145, 148, 149	12, 108	29, 105, 135, 141, 151
Switzerland	154	18, 29, 81, 100, 150	2, 88	6, 45, 89, 105, 141, 151
Syrian Arab Republic		29, 87, 111, 117	2	45, 120
Tanzania, United Republic of			81	29, 45, 85, 105
Tanganyika		88		108
Thailand		29		
Togo	98, 100, 111, 143, 144	29		6, 41, 85
Trinidad and Tobago		111	87, 98	

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Tunisia	148	29, 81, 99, 100, 105, 113, 119, 127	88, 98	11, 12, 17, 18, 45, 89, 90, 108, 111, 112, 120
Turkey		11, 81, 88, 95, 98, 100, 105, 111, 118, 122, 127	26, 42, 99, 115	14, 45, 58, 94
Uganda		81, 94, 124	17, 123	12, 29, 45, 95, 105
Ukrainian SSR		29, 142	100, 149	45, 79, 90, 108, 138
USSR		29, 142, 149	100	45, 79, 90, 108
United Arab Emirates		29, 81		
United Kingdom		68, 81, 100, 102, 105, 147, 148, 151	2, 17, 88, 98, 108, 135, 141	29, 45
Anguilla		99	105	8, 17, 29, 45
Bermuda		105	17	12, 29, 42, 45, 108, 135
British Virgin Islands				12, 17, 45, 85, 105, 108

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
United Kingdom (cont.)				
Falkland Islands (Malvinas)	141	17, 108	19, 26, 35, 36, 105	7, 10, 11, 12, 14, 22, 29, 32, 42, 45, 58, 59, 82, 87, 98
Gibraltar		100	42	2, 12, 17, 29, 45, 81, 105, 108, 135, 151
Guernsey	148	81, 150	2, 12, 17, 42, 88	29, 45, 105, 108, 135, 141, 151
Hong Kong	122, 147, 148	2, 17, 81, 92	12, 29, 42, 105	45, 108, 141, 151
Isle of Man	150	17, 81, 102	2, 42, 108	12, 29, 45, 87, 88, 98
Jersey			2, 12, 17, 81, 88	29, 42, 45, 97, 99, 105, 108
Montserrat		17, 59	12, 42	29, 45, 85, 105, 108
St. Helena			17	12, 29, 45, 85, 105, 108, 151
United States		53, 74	58	55

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
United States (cont.)				
American Samoa				58
Guam				58
Puerto Rico				58
Virgin Islands				58
Uruguay	118	19, 81, 105, 110, 121, 129, 139, 149	108	79, 90
Venezuela	95, 118	5	2, 3	6, 41, 45, 105, 143
Yemen		29, 81, 87, 98, 100, 111, 131, 135		
Yugoslavia	131, 135, 138, 140, 148	45, 81, 100, 111, 121, 129	88	12, 89
Zaire		81, 88, 100		12, 29, 89
Zambia		29, 105, 136, 141, 151	99, 122, 123	

Part 2

Summary of reports on Convention No. 100
and on Recommendation No. 90

(article 19 of the Constitution)

Equal remuneration

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 Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1985.

The report of the Committee of Experts on the Application of Conventions and Recommendations which will be submitted to the Conference at its 72nd (1986) Session, will include a general survey on the reports on the above-mentioned Conventions and Recommendations (Report III, Part 4B).

Summary of reports on Convention No. 100 and Recommendation No. 90

Member State	Convention No. 100	Recommendation No. 90
Afghanistan	R	X
Algeria	R	X
Angola	R	X
Antigua and Barbuda	-	X
Argentina	R	X
Australia	R	X
Austria	R	X
Bahamas	X	X
Bahrain	X	X
Bangladesh	X	X
Barbados	R	X
Belgium	R	X
Belize	X	X
Benin	R	X
Bolivia	R	X
Botswana	X	X
Brazil	R	X
Bulgaria	R	X
Burkina Faso	R	-
Burma	X	-
Burundi	X	X
Byelorussian SSR	R	X
Cameroon	R	X
Canada	R	X
Cape Verde	R	X
Central African Republic	R	X
Chad	R	X
Chile	R	X
China	X	X
Colombia	R	X
Comoros	R	X
Congo	-	-
Costa Rica	R	X
Côte d'Ivoire, Republic of	R	X
Cuba	R	X
Cyprus	X	X
Czechoslovakia	R	X
Democratic Yemen	X	X
Denmark	R	X
Djibouti	R	-
Dominica	R	X
Dominican Republic	R	-
Ecuador	R	-
Egypt	R	X

Member State	Convention No. 100	Recommendation No. 90
El Salvador	X	X
Equatorial Guinea	X	X
Ethiopia	-	X
Fiji	-	-
Finland	R	X
France	R	X
Gabon	R	X
German Democratic Republic	R	X
Germany, Federal Republic of	R	X
Ghana	R	-
Greece	R	X
Grenada	-	-
Guatemala	R	X
Guinea	R	-
Guinea-Bissau	R	-
Guyana	R	X
Haiti	R	-
Honduras	R	X
Hungary	R	X
Iceland	R	X
India	R	X
Indonesia	R	X
Iran, Islamic Republic of	R	X
Iraq	R	-
Ireland	R	X
Israel	R	-
Italy	R	X
Jamaica	R	-
Japan	R	X
Jordan	R	X
Democratic Kampuchea	-	-
Kenya	X	X
Kuwait	X	X
Lao People's Democratic Republic	-	-
Lebanon	R	-
Lesotho	-	X
Liberia	X	X
Libyan Arab Jamahiriya	R	X
Luxembourg	R	X
Madagascar	R	X
Malawi	R	-
Malaysia	X	X
Mali	R	X

Member State	Convention No. 100	Recommendation No. 90
Malta	X	X
Mauritania	-	-
Mauritius	X	X
Mexico	R	X
Mongolia	R	X
Morocco	R	X
Mozambique	R	X
Nepal	R	-
Netherlands	R	X
New Zealand	R	X
Nicaragua	R	X
Niger	R	X
Nigeria	R	X
Norway	R	X
Pakistan	X	X
Panama	R	X
Papua New Guinea	X	X
Paraguay	R	-
Peru	R	X
Philippines	R	X
Poland	R	X
Portugal	R	X
Qatar	X	X
Romania	R	X
Rwanda	R	X
Saint Lucia	R	-
San Marino	R	-
Sao Tome and Principe	R	-
Saudi Arabia	R	X
Senegal	R	-
Seychelles	-	-
Sierra Leone	R	X
Singapore	X	X
Solomon Islands	-	-
Somalia	-	-
Spain	R	X
Sri Lanka	X	X
Sudan	R	X
Suriname	X	X
Swaziland	R	-
Sweden	R	X
Switzerland	R	X
Syrian Arab Republic	R	-
Tanzania, United Republic of	X	X
Thailand	-	-
Togo	R	X

Member State	Convention No. 100	Recommendation No. 90
<hr/>		
Trinidad and Tobago	-	-
Tunisia	R	X
Turkey	R	X
Uganda	-	-
Ukrainian SSR	R	X
USSR	R	X
United Arab Emirates	X	X
United Kingdom	R	X
United States	X	X
Uruguay	X	X
Venezuela	R	-
Yemen	R	-
Yugoslavia	R	X
Zaire	R	-
Zambia	R	X
Zimbabwe	-	-

Note: A total of 6 reports has also been received in respect of the following non-metropolitan territories: United Kingdom: Bermuda, British Virgin Islands, Gibraltar, Hong Kong, Montserrat and St. Helena.

R = Ratified conventions
X = Report received
- = Report not received

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 70th Session held in Geneva from 6 to 27 June 1984.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 27 June 1985 and the period of 18 months on 27 December 1985.

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 69th Sessions (1948 to 1983). 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 71st 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 60th to 70th Sessions

60th Session (1975)

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

61st Session (1976)

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

62nd Session (1976)

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

63rd Session (1977)

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

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).

69th Session (1983)

Vocational Rehabilitation and Employment (Disabled Persons)
Convention (No. 159).
Maintenance of Social Security Rights Recommendation (No. 167).
Vocational Rehabilitation and Employment (Disabled Persons)
Recommendation (No. 168).

70th Session (1984)

Employment Policy (Supplementary Provisions) Recommendation
(No. 169).

Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 70th Session (Geneva, 1984) and supplementary information on the texts adopted at its 31st to 69th Sessions (1948-83)

Angola. The instrument adopted at the 66th Session of the Conference, as well as Conventions Nos. 154 and 156 and Recommendations Nos. 163 and 165, adopted at the 67th Session, have been submitted to the People's Assembly.

Argentina. The instruments adopted at the 69th Session of the Conference have been submitted to Congress.

Australia. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 29 November 1985. The acceptance of this Recommendation may be envisaged.

Austria. Recommendation No. 167, adopted at the 69th Session of the Conference, has been submitted to the National Assembly.

Bahrain. The instrument adopted at the 70th Session of the Conference was submitted to the Council of Ministers on 15 November 1984.

Benin. The instrument adopted at the 70th Session of the Conference has been submitted to the National Revolutionary Assembly.

Byelorussian SSR. The instrument adopted at the 70th Session of the Conference was submitted to the Supreme Soviet in May 1985.

Bulgaria. The instrument adopted at the 70th Session of the Conference has been submitted to the National Assembly.

Burma. The instruments adopted at the 69th Session of the Conference were submitted to Parliament on 15 October 1984.

Burundi. The instrument adopted at the 70th Session of the Conference was submitted to the President of the Republic in October 1984.

Canada. The instruments adopted at the 68th and 69th Sessions of the Conference were submitted to the House of Commons and to the Senate on 6 and 11 June 1985, respectively.

Cape Verde. The instrument adopted at the 70th Session of the Conference has been submitted to the People's National Assembly.

China. The instrument adopted at the 70th Session of the Conference was submitted to the National People's Congress on 25 November 1985.

Colombia. Recommendation No. 169, adopted at the 70th Session of the Conference, was submitted to Congress in July 1985 with a bill proposing its acceptance.

Congo. Convention No. 152 and Recommendation No. 160, adopted at the 65th Session of the Conference, and the instrument adopted at the 66th Session, have been submitted to the People's National Assembly.

Côte d'Ivoire. The instrument adopted at the 70th Session of the Conference was submitted to the National Assembly on 2 October 1984.

Cuba. The instrument adopted at the 70th Session of the Conference has been submitted to the Council of Ministers.

Cyprus. The instruments adopted at the 68th Session were submitted to the House of Representatives in March 1985. Convention No. 158 has been ratified.

Czechoslovakia. The instrument adopted at the 70th Session of the Conference has been submitted to the Federal Assembly.

Denmark. Convention No. 159 and Recommendation No. 168, adopted at the 69th Session of the Conference, have been submitted to Parliament. The Convention has been ratified.

Ecuador. The instruments adopted from the 67th to the 70th Session of the Conference have been submitted to Congress.

Egypt. The instrument adopted at the 70th Session of the Conference has been submitted to the People's Assembly.

Fiji. The instruments adopted from the 64th to the 70th Session of the Conference have been submitted to Parliament.

Finland. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 31 May 1985.

France. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 12 December 1985.

Gabon. The instruments adopted at the 65th, 69th, and 70th Sessions of the Conference were submitted to the President of the Republic on 15 December 1984, 20 February 1985 and 1 April 1985, respectively. The ratification of Convention No. 152 has been proposed.

German Democratic Republic. The instrument adopted at the 70th Session of the Conference has been submitted to the People's Chamber.

Greece. Convention No. 157 (68th Session of the Conference) and the instruments adopted at the 69th and 70th Sessions have been submitted to Parliament. Convention No. 159 has been ratified and Recommendation No. 168 accepted.

Guyana. The instruments adopted at the 69th and 70th Sessions of the Conference were submitted to Parliament on 17 October 1985. Recommendation No. 168 has been accepted.

Hungary. The instrument adopted at the 70th Session of the Conference was submitted to the Presidential Council on 7 May 1985.

Iceland. The instruments adopted at the 69th and 70th Sessions of the Conference were submitted to Parliament on 6 February 1986 and 20 December 1985 respectively.

India. The instrument adopted at the 70th Session of the Conference was submitted to both Houses of Parliament on 10 and 11 March 1986 respectively.

Iraq. The instruments adopted at the 69th and 70th Sessions of the Conference have been submitted to the competent authorities.

Israel. The instruments adopted at the 68th, 69th and 70th Sessions of the Conference were submitted to Parliament in February 1986.

Japan. The instrument adopted at the 70th Session of the Conference was submitted to the Diet on 26 April 1985.

Jordan. The instrument adopted at the 70th Session of the Conference was submitted to the Council of Ministers.

Kuwait. The instrument adopted at the 70th Session of the Conference was submitted to the Council of Ministers.

Libyan Arab Jamahiriya. The instruments adopted from the 64th to the 69th Session of the Conference were submitted to the General People's Committee on 22 June 1985.

Luxembourg. The instrument adopted at the 70th Session of the Conference was submitted to the Chamber of Deputies on 12 March 1985.

Madagascar. The instrument adopted at the 70th Session of the Conference was submitted to the People's National Assembly on 3 April 1985.

Malaysia. The instrument adopted at the 70th Session of the Conference was submitted to Parliament in July 1985.

Mali. The instruments adopted at the 69th and 70th Sessions of the Conference were submitted to the National Assembly.

Malta. The instruments adopted at the 68th Session of the Conference were submitted to the House of Representatives on 13 March 1985.

Mongolia. The instrument adopted at the 70th Session of the Conference has been submitted to the competent authorities.

Mozambique. The instruments adopted at the 61st, 62nd and 70th Sessions of the Conference were submitted to the People's Assembly on 10 June 1985.

Netherlands. Convention No. 158 and Recommendation No. 166, adopted at the 68th Session of the Conference, were submitted to Parliament on 7 November 1985.

New Zealand. The instruments adopted at the 69th Session of the Conference were submitted to Parliament on 12 February 1985. The instrument adopted at the 70th Session was submitted on 17 July 1985.

Nicaragua. The instrument adopted at the 70th Session of the Conference has been submitted to the Junta.

Niger. The instruments adopted at the 67th, 68th and 70th Sessions of the Conference have been submitted to the Head of State. Conventions Nos. 154, 156 and 158 have been ratified.

Nigeria. The instrument adopted at the 70th Session of the Conference was submitted to the competent authorities.

Norway. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 15 March 1985.

Peru. Convention No. 159 and Recommendation No. 168, adopted at the 69th Session of the Conference were submitted to Congress on 18 June 1985.

Poland. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 16 April 1985.

Qatar. The instruments adopted at the 64th Session of the Conference were submitted to the Council of Ministers.

Romania. The instruments adopted at the 69th Session of the Conference were submitted to the Grand National Assembly on 13 December 1984.

Rwanda. The instrument adopted at the 70th Session of the Conference was submitted to the President of the Republic on 15 January 1985.

San Marino. Convention No. 159 and Recommendation No. 168 (69th Session of the Conference) have been submitted to Parliament. The Convention was ratified.

Saudi Arabia. The instrument adopted at the 70th Session of the Conference has been submitted to the Council of Ministers.

Singapore. The instruments adopted at the 69th Session of the Conference were submitted to Parliament on 1 August 1985.

Spain. The instruments adopted at the 67th and 68th Sessions of the Conference, as well as Recommendation No. 167 (69th Session), have been submitted to the Cortès. Conventions Nos. 154 to 158 have been ratified.

Sri Lanka. The instruments adopted at the 68th Session of the Conference were submitted to Parliament on 21 June 1985.

Sweden. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 18 April 1985.

Switzerland. The instrument adopted at the 70th Session of the Conference was submitted to Parliament on 17 April 1985.

Togo. The instrument adopted at the 70th Session of the Conference was submitted to the National Assembly in December 1984.

Trinidad and Tobago. The instruments adopted at the 65th Session of the Conference were submitted to Parliament on 13 June 1985.

Turkey. The instrument adopted at the 70th Session of the Conference was submitted to the Grand National Assembly on 19 December 1984.

Ukrainian SSR. The instrument adopted at the 70th Session of the Conference has been submitted to the Supreme Soviet.

United Arab Emirates. The instruments adopted at the 68th Session of the Conference were submitted to the Council of Ministers on 30 July 1985.

United Kingdom. The instrument adopted at the 70th Session of the Conference was submitted to Parliament in November 1985.

United States. The instrument adopted at the 70th Session of the Conference was submitted to Congress on 2 May 1985.

Yugoslavia. The instruments adopted at the 69th and 70th Sessions of the Conference were submitted to the Federal Assembly on 17 December 1985.

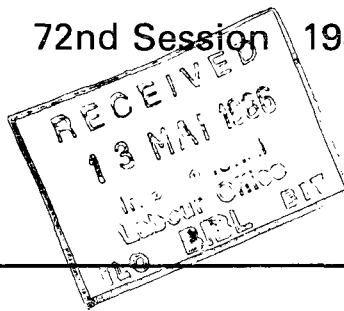
Zambia. The instruments adopted at the 67th Session of the Conference have been submitted to the National Assembly. Convention No. 154 has been ratified.

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Reading Room ILO

International Labour Conference
72nd Session 1986



Report III
(Part 4A)

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

**General Report
and Observations concerning Particular Countries**



International Labour Office Geneva

International Labour Conference
72nd Session 1986

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

International Labour Office Geneva

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The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the areas or 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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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, para. 129. I B, No. 13. III.	Art. 22, Nos. 100, 139, 140, 141, 142.
Albania	I A.	
Algeria	I B, Nos. 3, 13, 32, 42, 88, 105, 127.	Art. 22, Nos. 6, 29, 81, 89, 100, 105, 122. Subm.
Angola	I B, No. 1. III.	Art. 22, Nos. 1, 26, 27, 91, 98, 111.
Antigua and Barbuda . . .	I A.	Subm.
Argentina	I B, Nos. 68, 87, 98, 105.	Art. 22, Nos. 42, 68, 105. Subm.
Australia	II A.	Art. 22, Nos. 29, 100, 105.
Austria	I B, No. 103.	Art. 22, Nos. 81, 102, 128. Subm.
Bahamas	I B, No. 144.	Art. 22, general. Art. 22, Nos. 17, 26, 29, 42, 81, 88, 98, 105, 144. Subm.
Bahrain		Art. 22, Nos. 29, 81, 89.
Bangladesh	I B, Nos. 81, 107.	Art. 22, Nos. 27, 81, 90, 96, 107. Subm.
Barbados	I B, No. 100.	Art. 22, general. Art. 22, Nos. 29, 81, 100, 105, 144.
Belgium	I B, Nos. 102, 105.	Art. 22, Nos. 6, 13, 81, 89, 100, 125. Subm.
Belize		Art. 22, Nos. 81, 88, 99. 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		Art. 22, No. 111. Subm.
Bolivia	General Report, para. 154. I B, Nos. 81, 106, 122, 131. III.	Art. 22, Nos. 20, 81, 89, 90, 102, 120, 122, 124, 128, 129, 131.
Botswana	General Report, para. 154. III.	
Brazil	General Report, para. 154. I B, Nos. 98, 103, 107. III.	Art. 22, general. Art. 22, Nos. 12, 42, 89, 100, 107, 131, 142, 148.
Bulgaria	I B, No. 87.	Art. 22, general. Art. 22, No. 79.
Burkina Faso	General Report, paras. 122, 129. I B, Nos. 18, 87, 98, 111.	Art. 22, general. Art. 22, Nos. 6, 17, 81, 100, 111, 129. Subm.
Burma	I B, No. 17.	Art. 22, No. 29. Subm.
Burundi	I B, Nos. 29, 89, 94, 105.	Art. 22, Nos. 29, 81, 105.
Byelorussian SSR	I B, No. 29.	Art. 22, Nos. 29, 111.
Cameroon	I B, Nos. 29, 87, 94.	Art. 22, general. Art. 22, Nos. 3, 29, 81, 87, 98, 100, 105, 108, 122, 143. Subm.
Canada	I B, Nos. 105, 111.	Art. 22, Nos. 1, 87, 111. Subm.
Cape Verde		Art. 22, general. Art. 22, Nos. 17, 29, 81, 98, 100, 111. Subm.
Central African Republic	General Report, paras. 122, 129. I A and B, Nos. 18, 29, 41, 81, 87, 98, 105, 119.	Art. 22, general. Art. 22, Nos. 17, 26, 29, 88, 100, 105, 111, 118. Subm.
Chad	General Report, para. 154. I B, No. 81. III.	Art. 22, Nos. 6, 100.
Chile	I B, Nos. 111, 127.	Art. 22, Nos. 3, 6, 111, 127.
China		Art. 22, No. 45.
Colombia	I B, Nos. 3, 12, 17, 81, 111.	Art. 22, general. Art. 22, Nos. 5, 20, 81, 95, 99, 111, 129.
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Côte d'Ivoire	General Report, para. 122. I B, No. 136.	Art. 22, general. Art. 22, No. 111.
Cuba	I B, Nos. 52, 87, 101, 103.	Art. 22, general. Art. 22, Nos. 13, 42, 79, 81, 88, 89, 90, 108, 148, 150, 152, 155.
Cyprus	I B, Nos. 119, 151.	Art. 22, Nos. 29, 105, 122, 150. Subm.
Czechoslovakia	I B, No. 29.	
Democratic Yemen	General Report, para. 129. III.	Art. 22, Nos. 29, 98, 105.
Denmark	General Report, paras. 127, 129. I B, Nos. 81, 87, 98, 100, 102, 129, 151. II A and B, Nos. 8, 16.	Art. 22, Nos. 92, 102, 130, 134, 147. Art. 35, Nos. 9, 105, 122, 126. Subm.
Djibouti	General Report, paras. 122, 129. III.	Art. 22, general. Art. 22, Nos. 17, 18, 29, 35, 36, 37, 38, 81, 88, 100, 105, 108, 122.
Dominica	General Report, paras. 122, 129. I A.	Art. 22, Nos. 29, 105. Subm.
Dominican Republic	I B, Nos. 77, 81, 95, 105. III.	Art. 22, Nos. 89, 100.
Ecuador	I B, Nos. 77, 78, 87, 98, 103, 122.	Art. 22, Nos. 81, 114, 122, 141, 144, 148. Subm.
Egypt	I B, Nos. 88, 94.	Art. 22, Nos. 1, 9, 17, 18, 22, 23, 55, 56, 68, 69, 71, 73, 81, 92, 100, 111, 139, 142, 145.
El Salvador	I B, No. 105. III.	Art. 22, Nos. 105, 107.
Equatorial Guinea		Subm.
Ethiopia	I B, No. 87. III.	Art. 22, Nos. 88, 111.
Fiji	III.	Art. 22, general. Art. 22, Nos. 29, 59, 84, 98, 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. 81, 100, 129, 135, 151.	Art. 22, Nos. 100, 145, 148, 149, 151, 152.
France	I B, Nos. 35, 36, 37, 38, 42, 81, 105, 118, 129. II B, Nos. 19, 29, 32, 35, 36, 37, 38, 42, 98, 120.	Art. 22, Nos. 29, 81, 100, 102, 118, 129, 134, 147. Art. 35, Nos. 19, 29, 35, 36, 42, 63, 81, 100, 122. Subm.
Gabon	I B, No. 105.	Art. 22, general. Art. 22, Nos. 29, 81, 100, 105. Subm.
German Democratic Republic	I B, No. 111.	Art. 22, Nos. 122, 138.
Germany, Federal Republic of	I B, Nos. 29, 87, 98, 122.	Art. 22, Nos. 29, 81. Subm.
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Greece	I B, Nos. 81, 90, 105, 111, 147.	Art. 22, Nos. 29, 42, 77, 78, 81, 89, 100, 102, 105, 124, 147. Subm.
Grenada	General Report, paras. 122, 129. III.	Art. 22, general. Art. 22, Nos. 81, 105.
Guatemala	I B, Nos. 87, 98, 105.	Art. 22, general. Art. 22, Nos. 94, 98, 105. Subm.
Guinea	General Report, paras. 127, 158. I A and B, Nos. 29, 81, 87, 94, 105, 111, 119, 120, 139, 151.	Art. 22, general. Art. 22, Nos. 29, 98, 100, 111, 115, 122, 134, 135, 140, 142, 143, 148, 150, 151. Subm.
Guinea-Bissau	General Report, paras. 122, 129. I A and B, No. 98.	Art. 22, Nos. 1, 6, 12, 17, 18, 26, 29, 68, 81, 88, 89, 91, 92, 100, 105, 108, 111. Subm.
Guyana	I B, Nos. 42, 100.	Art. 22, Nos. 81, 100, 111, 129, 131, 135, 141, 144, 149, 150, 151.
Haiti	I B, Nos. 24, 25, 42, 81, 87, 105. III.	Art. 22, general. Art. 22, Nos. 100, 111. Subm.
Honduras	I B, Nos. 27, 29, 87, 108.	Art. 22, general. Art. 22, Nos. 27, 29, 122, 138. Subm.
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India	I B, Nos. 5, 29, 88, 100, 107.	Art. 22, Nos. 1, 29, 81, 88, 100.
Indonesia	I B, No. 98.	Art. 22, No. 100. Subm.
Iran, Islamic Republic of	General Report, paras. 122, 129, 154. I B, Nos. 29, 111. III.	Art. 22, general. Art. 22, Nos. 29, 100, 111.
Iraq	I B, Nos. 15, 81.	Art. 22, Nos. 105, 122, 149. Subm.
Ireland	I B, Nos. 81, 144. III.	Art. 22, Nos. 26, 81, 99, 100, 121.
Israel		Art. 22, Nos. 81, 91, 100, 105, 111, 122, 134, 136, 138, 142.
Italy	I B, Nos. 32, 103, 122, 127, 146.	Art. 22, Nos. 29, 92, 100, 102, 105, 111, 120, 129, 132, 138, 139, 142, 145, 147. Subm.
Jamaica	General Report, para. 122. I A and B, Nos. 81, 87, 98, 100.	Art. 22, Nos. 29, 81, 100, 105, 111, 122. Subm.
Japan	I B, Nos. 81, 87, 96, 98, 100.	Art. 22, Nos. 81, 100.
Jordan	General Report, paras. 122, 129. I B, Nos. 81, 98, 119.	Art. 22, general. Art. 22, Nos. 29, 100, 105, 111, 120, 122, 124, 135, 142.
Democratic Kampuchea	General Report, para. 122. I A. III.	
Kenya	General Report, paras. 122, 129. I A and B, No. 17. III.	Art. 22, general. Art. 22, Nos. 81, 98, 99, 118, 129, 131, 132, 135, 138, 141, 142, 143.
Kuwait	I B, Nos. 1, 30, 87.	Art. 22, Nos. 29, 81, 87, 89, 105.
Lao People's Democratic Republic	General Report, paras. 122, 129. III.	Art. 22, general. Art. 22, Nos. 4, 6, 13, 29.

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)
Lebanon	General Report, para. 122. I A. III.	
Lesotho	I B, No. 87. III.	Art. 22, Nos. 11, 98.
Liberia	General Report, paras. 122, 129. I B, Nos. 55, 87, 98, 105, 112, 113, 114.	Art. 22, general. Art. 22, Nos. 105, 108, 111, 147. Subm.
Libyan Arab Jamahiriya .	I B, Nos. 81, 98. III.	Art. 22, Nos. 1, 88, 118, 122, 131, 138. Subm.
Luxembourg	I B, No. 28.	Art. 22, Nos. 100, 121, 130, 132. Subm.
Madagascar	General Report, paras. 122, 129. I B, Nos. 29, 87, 127.	Art. 22, general. Art. 22, Nos. 29, 81, 100, 111, 120, 122, 129, 132. Subm.
Malawi	General Report, para. 154. I B, Nos. 81, 129. III.	Art. 22, general. Art. 22, Nos. 98, 100, 129.
Malaysia	I B, Nos. 17, 105.	Art. 22, Nos. 12, 29, 81, 105.
Mali		Art. 22, Nos. 81, 100. Subm.
Malta	I B, Nos. 87, 98, 105.	Art. 22, general. Art. 22, Nos. 81, 111. Subm.
Mauritania	General Report, paras. 129, 158. I B, Nos. 22, 29, 81, 87, 94, 102, 122.	Art. 22, general. Art. 22, Nos. 29, 81, 84, 102, 122. Subm.
Mauritius	General Report, para. 154. I B, Nos. 26, 105. III.	Art. 22, Nos. 14, 29, 32, 42, 81, 105.
Mexico	General Report, para. 122. I B, Nos. 90, 135.	Art. 22, general. Art. 22, Nos. 17, 152. Subm.
Mongolia		Art. 22, Nos. 103, 122. Subm.

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Morocco		Art. 22, Nos. 81, 100, 111, 122, 129. Subm.
Mozambique		Art. 22, Nos. 18, 81, 100, 111. Subm.
Nepal	III.	Art. 22, Nos. 100, 111.
Netherlands	I B, Nos. 29, 87, 100, 111, 122, 135. II B, Nos. 17, 33, 58, 105.	Art. 22, Nos. 100, 111, 121, 122, 129, 135, 142. Art. 35, Nos. 94, 122. Subm.
New Zealand	I B, Nos. 42, 105. II A.	Art. 22, Nos. 17, 81, 88, 100, 105, 111. Art. 35, No. 105.
Nicaragua	General Report, para. 127. I A and B, Nos. 4, 12, 17, 87.	Art. 22, general. Art. 22, Nos. 3, 17, 18, 63, 77, 115, 117, 122, 127, 136, 138, 139, 140, 144.
Niger	General Report, para. 122. I A and B, No. 119.	Art. 22, Nos. 29, 100, 119. Subm.
Nigeria	I B, Nos. 81, 87, 98. III.	Art. 22, Nos. 29, 88, 100, 134.
Norway	I B, Nos. 87, 98, 100, 129, 156.	Art. 22, Nos. 16, 29, 42, 100, 122, 138, 147, 148, 154, 156.
Pakistan	General Report, para. 122. I A and B, Nos. 29, 81, 96, 105.	Art. 22, general. Art. 22, Nos. 29, 105, 111. Subm.
Panama	I B, Nos. 22, 53, 68, 92, 94, 105, 122, 126.	Art. 22, Nos. 15, 81, 89, 92, 108, 122, 126, 127. Subm.
Papua New Guinea	General Report, para. 122. I A.	Art. 22, Nos. 98, 105, 122. Subm.
Paraguay	I B, Nos. 81, 87, 98, 120. III.	Art. 22, general. Art. 22, Nos. 81, 100, 107.
Peru	I B, Nos. 24, 25, 56, 68, 107, 122, 151.	Art. 22, Nos. 35, 36, 37, 38, 39, 40, 56, 71, 79, 81, 102, 107, 122. Subm.
Philippines	I B, Nos. 17, 87, 89, 90.	Art. 22, Nos. 87, 88, 98, 100, 110, 141, 149. Subm.

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Poland	I B, Nos. 11, 42, 87.	Art. 22, Nos. 35, 36, 37, 38, 39, 40, 87, 149.
Portugal	I B, Nos. 26, 95, 100, 122, 151.	Art. 22, Nos. 1, 6, 8, 17, 22, 23, 29, 81, 95, 100, 105, 108, 111, 117, 129, 132, 144, 145, 148, 150. Subm.
Qatar	General Report, paras. 122, 129. I A. III.	Art. 22, No. 81.
Romania	I B, Nos. 29, 81, 87, 134, 135.	Art. 22, general. Art. 22, Nos. 29, 81, 89, 100, 108, 129. Subm.
Rwanda	I B, Nos. 12, 94, 123.	Art. 22, general. Art. 22, Nos. 17, 81, 100, 105, 138. Subm.
Saint Lucia	General Report, paras. 122, 129, 158. III.	Art. 22, general. Art. 22, Nos. 17, 19, 29, 98, 105.
San Marino		Subm.
Sao Tome and Principe . .		Art. 22, Nos. 17, 81, 88, 100, 111. Subm.
Saudi Arabia		Art. 22, general. Art. 22, Nos. 1, 30, 81, 90, 100, 111.
Senegal	I A and B, No. 87.	Art. 22, general. Art. 22, Nos. 99, 102, 111, 120, 122. Subm.
Seychelles	General Report, paras. 154, 158. III.	Art. 22, Nos. 2, 58, 99, 105.
Sierra Leone	General Report, para. 154. I B, Nos. 59, 81, 88, 111, 119. III.	Art. 22, Nos. 100, 105, 111.
Singapore	I B, Nos. 5, 8, 29, 88.	Art. 22, No. 32. Subm.
Solomon Islands		Subm.
Somalia	General Report, paras. 122, 129. I B, No. 22.	Art. 22, general. Art. 22, Nos. 29, 105. Subm.
South Africa	I A and B, No. 2.	
Spain	I B, No. 148.	Art. 22, Nos. 29, 45, 81, 89, 100, 105, 127, 129, 147, 150. Subm.

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Sudan, Republic of	I B, No. 111.	Art. 22, Nos. 2, 26, 81, 98, 111, 122. Subm.
Suriname.	I B, No. 118.	Art. 22, Nos. 17, 42, 81, 88, 144, 150. Subm.
Swaziland		Art. 22, Nos. 29, 81, 87, 89, 90, 94, 96, 98, 100, 111, 131, 144. Subm.
Sweden	I B, No. 143.	Art. 22, Nos. 100, 111, 143, 148, 149, 152, 154, 155.
Switzerland	I B, Nos. 81, 100, 150.	Art. 22, Nos. 18, 29, 81, 100, 150, 154.
Syrian Arab Republic. . .	General Report, paras. 122, 129. I B, Nos. 87, 129. III.	Art. 22, general. Art. 22, Nos. 81, 88, 111, 117, 129, 139.
Tanzania, United Repub- lic of	I B, Nos. 17, 81, 88. III.	
Thailand		Subm.
Togo		Art. 22, Nos. 98, 100, 111, 143, 144.
Trinidad and Tobago . . .	General Report, paras. 122, 129. I B, Nos. 87, 98, 125.	Art. 22, general. Art. 22, Nos. 29, 105, 111. Subm.
Tunisia	General Report, para. 154. I B, Nos. 29, 87, 105, 119, 127. III.	Art. 22, general. Art. 22, Nos. 8, 29, 73, 81, 100, 113.
Turkey	I B, Nos. 95, 98, 118, 122.	Art. 22, Nos. 11, 42, 81, 88, 100, 118, 122, 127.
Uganda.	I B, Nos. 17, 81. III.	Art. 22, Nos. 81, 94, 122, 124.
Ukrainian SSR	I B, No. 29.	Art. 22, No. 29.
USSR	I B, No. 29.	Art. 22, general. Art. 22, No. 29. Subm.
United Arab Emirates . .		Art. 22, Nos. 29, 81. Subm.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
United Kingdom	General Report, para. 129. I B, Nos. 17, 81, 100, 147, 151. II B, Nos. 8, 17, 42, 105.	Art. 22, Nos. 81, 100, 105, 122, 147, 148, 151. Art. 35, Nos. 17, 26, 59, 81, 94, 99, 100, 105, 108, 122, 141, 147, 148. Subm.
United States		Subm.
Uruguay		Art. 22, Nos. 81, 103, 110, 128, 129, 139, 149. Subm.
Venezuela	General Report, paras. 122, 127, 129. I A and B, Nos. 3, 22, 29.	Art. 22, general. Art. 22, Nos. 29, 81, 88, 95. Subm.
Yemen	I B, Nos. 87, 98. III.	Art. 22, Nos. 81, 100, 111, 131, 135.
Yugoslavia	I B, Nos. 81, 111, 129.	Art. 22, Nos. 100, 111, 138.
Zaire	I B, Nos. 29, 81, 88.	Art. 22, Nos. 81, 100. Subm.
Zambia	General Report, para. 122. I B, Nos. 122, 123.	Art. 22, general. Art. 22, Nos. 100, 122, 136, 141, 144, 151. Subm.
Zimbabwe		Art. 22, general. Subm.

PART ONE

GENERAL REPORT

GENERAL REPORT

I. INTRODUCTION

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 56th Session in Geneva from 6 to 19 March 1986. The Committee has the honour to present its report to the Governing Body.

2. The Committee noted with regret that Mr. F.W. McCulloch and Mr. J. Vilfan had asked to be relieved of their duties as members of the Committee. It paid tribute to the outstanding contribution that they had made to its work, the former during more than ten years and the latter during more than 20 years, through their great experience and the unwavering devotion that they had always shown to the principles of the ILO.

3. The Committee noted that, in order to fill the two vacant seats, the Governing Body had appointed Mr. Benjamin AARON and Mr. Budislav VUKAS, whom it was happy to welcome to the present session.

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

Mr. Benjamin AARON (United States),

Professor of Law and former Director of the Institute of Industrial Relations, University of California, Los Angeles; former President, National Academy of Arbitrators; former President, Industrial Relations Research Association; former member of the Arbitration Services Advisory Committee of the Federal Mediation and Conciliation Service; member of the Public Review Board of the United Automobile, Aerospace and Agricultural Implement Workers' Union; President of the International Society of Labour Law and Social Security.

The Right Honourable Sir Adetokunbo ADEMOLA, GCFR, 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 Arab Committee for the Defence of Human Rights; Deputy Executive Secretary of the Regional Organisation for the Protection of the Marine Environment, Kuwait; member of UNESCO Jury Committee on Peace in the Mind of Man;

Mr. Prafullachandra Natvarlal BHAGWATI (India),

Chief Justice 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;

GENERAL REPORT

- 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; President, International Academy of Human Rights;
- 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; member of the Court of Arbitration of the CCI; 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 and President of the United Nations International Law Commission; member of the Permanent Court of Arbitration;
- 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. Antti Johannes SUVIRANTA (Finland),
President of the Supreme Administrative Court of Finland; former President of the Finnish Labour Court; former Professor of Labour Law at Helsinki University; former member of the Executive Committee of the International Society for Labour Law and Social Security; member of the Finnish Academy of Science and Letters;

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),
President of the Supreme Court of Colombia; Professor of International Labour Law at the National University of Colombia; Professor of Labour Law, Universities Externado de Colombia and Pontificia Javeriana; former Professor of Philosophy of Law at the Bolivarian University of Medellín;

Mr. Jean-Maurice VERDIER (France),
Professor of Labour Law at the University of Paris X; 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 (associate of the National Centre for Scientific Research); 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; President of the French Association of Labour and Social Security Law;

Mr. Budislav VUKAS (Yugoslavia),
Professor of Public International Law and Director of the Institute of International Law and International Relations of the University of Zagreb Faculty of Law.

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

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

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

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

GENERAL REPORT

7. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, consisting essentially of the following three parts: Part One is the General Report in which the Committee reviews general questions concerning international labour standards and other instruments and their implementation. Part Two contains observations concerning particular countries on the application of ratified Conventions (see section I and paragraphs 116 to 144 below), on the application of Conventions in non-metropolitan territories (see section II and paragraphs 116 to 144 below), and on the obligation to submit instruments to the competent authorities (see section III and paragraphs 145 to 155 below). Part Three, which is published in a separate volume (Report III (Part 4B)) reviews the reports supplied by governments under article 19 of the Constitution on the Equal Remuneration Convention, 1951 (No. 100) and Recommendation, 1951 (No. 90) (see also paragraphs 156 to 160 below).

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

9. The Committee has continued to apply its usual methods of work. However, the Committee has, from time to time, undertaken a review of its working methods. The last time it did so was in 1977, on the occasion of the 50th anniversary of its establishment. This year, as anticipated,¹ the Committee engaged in a preliminary discussion of its methods of work. The Office had prepared a document for this purpose, which dealt with a number of questions. The Committee's deliberations touched upon various issues, including the means of strengthening the dialogue between the supervisory bodies and the governments involved, and the methods adopted for assessing national legislation and practice in relation to the provisions of international labour Conventions. The extent to which different economic and social conditions as well as diverse political and legal systems should be taken into account was also addressed. Possibilities for improving the information available to the Committee in relation to the practical application of instruments were also broached. The importance of being aware of national judicial decisions made in this connection was stressed. A preliminary exchange of views also took place regarding the best means of supervising the implementation of Conventions which are designated as promotional, such as the Employment Policy Convention, 1964 (No. 122). In addition, the Committee discussed the division of work among the experts and the usefulness of working parties. It also gave thought to the ways in which its work could be organised so as to devote more time to the examination and discussion of difficult questions and to ensure the

¹ See International Labour Conference, 71st Session (1985), Report III (Part 4A), Report of the Committee of Experts for the Application of Conventions and Recommendations, Geneva, ILO, 1985, Part I, para. 5.

involvement of specialist services of the Office. Next year, the Committee will revert to a new discussion of these matters, on the subject of which varying opinions were expressed, with a view to including in its report an updated statement of its principles and methods of work.

II. GENERAL

Membership of the Organisation

10. Since the Committee's last session, the ILO membership of the Socialist Republic of Viet Nam has terminated, two years after the date of receipt by the Director-General of the notice of withdrawal communicated by the Government. There are now 150 member States of the ILO.

New standards adopted by the Conference in 1985

11. The Committee noted that at its 71st Session (June 1985), the International Labour Conference adopted the Labour Statistics Convention (No. 160) and Recommendation (No. 170), and the Occupational Health Services Convention (No. 161) and Recommendation (No. 171).

Obligations binding member States

12. During 1985, 78 ratifications by 23 member States were registered, of which 14 were confirmations by the Solomon Islands of commitments previously contracted on its behalf. The total number of ratifications at 31 December 1985 was 5,245.

13. Following the ratification by Spain of the Maintenance of Social Security Rights Convention, 1982 (No. 157), the Convention will enter into force on 11 September 1986.

14. Two denunciations were registered during 1985, bringing the total number of denunciations not accompanied by the ratification of a revised Convention to 47 at the end of 1985. The Government of Venezuela denounced the Maternity Protection Convention (Revised), 1952 (No. 103) with a view to being able to avail itself of the exceptions provided for in Article 7 of the Convention. The Government of the United Kingdom denounced the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), stating that given the Government's overriding concern to maximise employment opportunities, particularly for young people, it considered the terms of the Convention as restricting flexibility in this area.

15. In 1985, five new declarations by the United Kingdom (three with modifications - Hong Kong; and two without modifications - Isle of Man) were registered concerning the application of Conventions to non-metropolitan territories. The total number of declarations at 31 December 1985 included 977 declarations without modifications and 67 with modifications. The number of non-metropolitan territories at 31 December 1985 was 30.

Discussions and decisions of the ILO Governing Body

16. The Committee has noted with interest the follow-up of the discussion at the 70th Session (1984) of the International Labour Conference concerning international labour standards. At the 232nd Session of the Governing Body (February-March 1986) its Working Party on international labour standards presented a progress report which, in addition to a summary of its discussions on general policy regarding the adoption of international labour standards, contained the draft of a classification of existing Conventions and Recommendations and possible subjects for new standards intended to revise and update the corresponding classification approved by the Governing Body in 1979, a commentary on this draft classification, and a note on the possibilities of consolidating ILO Conventions. The Governing Body decided that this progress report should be sent, for comments, to the governments and representative organisations of employers and workers of all member States, as well as to the international employers' and workers' organisations having consultative status with the ILO. In the light of the comments received, the Working Party will continue its discussion, with a view to presenting a final report to the Governing Body in February-March 1987.

17. At its 229th, 231st and 232nd Sessions, the Governing Body decided that, subject to appropriate safeguards, detailed reports should no longer be requested on the following Conventions: 15, 20, 21, 28, 34 to 40, 43, 48, 49, 50, 64, 65, 67, 86 and 104, which appeared to have lost their relevance. The safeguards laid down in this connection are as follows:

- (a) Should circumstances change so as to give renewed importance to any of the Conventions concerned, the Governing Body could again require detailed reports to be presented on their application.
- (b) Employers' and workers' organisations would remain free to present comments on problems encountered in the fields covered by the Conventions concerned; these comments would be considered by the Committee of Experts in accordance with established procedures.
- (c) On the basis of information given in the general reports or otherwise at its disposal (for example, legislative texts), the Committee of Experts would be free at any time to make comments and to request information, including a detailed report, concerning the application of the Conventions concerned.
- (d) The right to invoke the constitutional provisions relating to representations and complaints (articles 24 and 26) in respect of the Conventions concerned would remain unaffected.

18. At its 231st Session (November 1985) the Governing Body examined the question of the possibility of simplifying report forms on the application of ratified Conventions. It was noted that much had been done towards simplification. Certain changes were adopted as regards explanatory notes and the layout of report forms.

19. At the same session, the Governing Body took note of a paper prepared for its information, on the practice in respect of comments by employers' and workers' organisations as regards the implementation of Conventions and Recommendations. As it had indicated in 1985, the Committee is reviewing its experience of recent years in this respect, in the present report (see section IV below).

Constitutional and other procedures

20. The Committee was informed of the following decisions taken by the Governing Body in cases involving recourse to the Constitutional procedures of complaint and representation and to other procedures.

21. At its 231st Session (November 1985), the Governing Body approved the report of the committee which had been set up to examine the representation made under article 24 of the Constitution by the Confederation of Costa Rican Workers (CTC), the Authentic Confederation of Democratic Workers (CATD), the United Confederation of Workers (CUT), the Costa Rican Confederation of Democratic Workers (CCDT) and the National Confederation of Workers (CNT), alleging the non-observance by Costa Rica and the International Monetary Fund of Conventions Nos. 11, 81, 87, 95, 98, 102, 122, 127, 130, 131, 135, 138 and 144. The procedure was declared closed, and various questions were referred to the Committee of Experts for further examination. At the present session, the Committee is making observations concerning Conventions Nos. 102 and 122 (see Part II B of the present report), and direct requests concerning Conventions nos. 81, 102, 122, 131, 135 and 144.

22. At its 230th Session (June 1985), the Governing Body decided that the representation presented by the National Trade Union Co-ordinating Council (CNS) of Chile under article 24 of the Constitution, alleging non-observance of Conventions Nos. 1, 2, 24, 29, 30, 35, 37, 38 and 111 by Chile, was receivable, and set up a tripartite committee to examine it.

23. At its 230th Session (June 1985), the Governing Body had before it the report of the committee set up to examine the representation made under article 24 of the Constitution concerning the observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by the Federal Republic of Germany. After hearing a statement by the representative of the Government of the Federal Republic of Germany, the Governing Body decided, in application of article 10 of the standing orders governing this procedure, to refer the matter to a commission of inquiry in accordance with article 26, paragraph 4, of the Constitution. At its 231st Session (November 1985), the Governing Body appointed the members of this commission.

24. At its 232nd Session (February-March 1986) the Governing Body decided to defer to its November 1986 Session a decision on the receivability of a representation made under article 24 of the Constitution by 27 Japanese trade unions alleging non-observance by Japan of the Fee-Charging Employment Agencies Convention (revised), 1949 (No. 96).

25. The Governing Body, at the same session, declared receivable a representation made under article 24 of the Constitution, by the General Confederation of Labour of France, alleging non-observance by France of Conventions Nos. 87, 98 and 135, and decided to refer it to the Committee on Freedom of Association.

26. A complaint was made under article 26 of the Constitution by the Government of Tunisia alleging non-observance by the Libyan Arab Jamahiriya of Conventions Nos. 95, 111 and 118. A representation was made under article 24 of the Constitution by the Egyptian Trade Unions

Federation alleging non-observance by the same country of Conventions Nos. 95 and 111. At its 232nd Session (February-March 1986) the Governing Body declared receivable the representation of the Egyptian Trade Unions Federation. Under article 10 of the standing orders governing representations, it decided to follow, in the examination of this representation, the procedure set out in articles 26 and following of the Constitution as had been decided in the case of the complaint presented by Tunisia. In addition, it decided to examine the two matters at the same time. In these circumstances, the Governing Body decided to invite the Government of the Libyan Arab Jamahiriya to submit its observations on these allegations; it will consider at its 233rd Session, whether these allegations should be transmitted to a commission of inquiry.

27. The Committee also noted that the Committee on Freedom of Association of the Governing Body had recommended that the Committee of Experts' attention be drawn to certain aspects of the conclusions adopted in several of the cases examined since the March 1985 Session (239th to 243rd Reports). This applied in particular as regards the cases of Pakistan (Case No. 1175), United Kingdom (Case No. 1261), Turkey (Cases Nos. 997, 999 and 1029), Peru (Case No. 1190), Costa Rica (Case No. 1304), Central African Republic (Case No. 1040), Uruguay (Cases Nos. 1098, 1132, 1254, 1257, 1290, 1299 and 1316), Burkina Faso (Case No. 1266), Colombia (Case No. 1291), Dominican Republic (Case No. 1293), Philippines (Case No. 1323) and Guyana (Case No. 1330).

28. In its 240th Report, the Committee on Freedom of Association submitted interim or final conclusions to the Governing Body concerning three countries in respect of which constitutional procedures have been applied. This included representations made by several trade union organisations under article 24 of the Constitution concerning non-observance by Turkey of Conventions Nos. 11 and 98 (Cases Nos. 997, 999 and 1029), by Portugal of Conventions Nos. 87, 98 and 135 (Case No. 1303) and by Costa Rica of Conventions Nos. 11, 87, 98 and 135 (Case No. 1304). In its 242nd report, the Committee on Freedom of Association again examined the cases concerning Turkey in respect of which it presented its interim report to the Governing Body. The Committee refers to the comments it is making as concerns the application of Conventions Nos. 11 and 98 by this country.

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

29. 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 1985, the Office completed a last study relating to Austria which was discussed by a working party of the Governing Body and by the Governing Body itself at its 232nd Session (February-March 1986). The Governing Body authorised its publication, together with the discussions to which it gave rise.

Tenth Asian Regional Conference

30. The Committee has noted that the Tenth Asian Regional Conference, which took place in Jakarta (Indonesia) from 4 to 13 December 1985, concluded the fourth regional review of the application of ILO standards. The Committee notes with interest that in the conclusions adopted by the Regional Conference, the universality of standards is again stressed as a key principle. It further notes that the Conference also adopted a resolution concerning international labour standards and a resolution concerning the protection and promotion of freedom of association and trade union rights in the Asian region (see also paragraph 64 below).

Functions in regard to other international
and regional instruments

International Covenant on Economic,
Social and Cultural Rights

31. 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 entrusted this task to this Committee. From 1978 to 1983, the Committee examined the position in a number of States Parties to the Covenant and presented to the Economic and Social Council six reports with respect to the implementation of Articles 6 to 9 (the right to work, the right to just and favourable conditions of work, trade union rights and the right to social security) and 10 to 12 (protection of the family, mothers and children, right to a decent standard of living, health protection). In 1983 a new reporting cycle began, and reports were requested for the second time concerning Articles 6 to 9 of the Covenant. As from 1985, reports were also requested on the application of Articles 10 to 12 of the Covenant (in particular, on Articles 10(2), on maternity protection, and 10(3), on the protection of children and young persons in employment and work). At its 1985 session, the Committee had before it reports presented by a number of States and adopted its seventh report on progress in the observance of the Covenant, which was duly transmitted to the Economic and Social Council. The Working Group established by the Council to assist it in the examination of reports concerning the Covenant took note of that report and welcomed the contribution of the ILO to its work.

32. At the Committee's present session, the Committee had before it reports which had been presented by the following 18 States: Afghanistan, Czechoslovakia, France, Federal Republic of Germany, India, Nicaragua, Poland (on Articles 6 to 9 of the Covenant); Australia, Cyprus, Finland, Hungary, Iraq, Madagascar, Rwanda, Spain, Ukrainian SSR, Venezuela and Zambia (on Articles 10 to 12). Following

the practice of previous years, the preliminary examination of these reports was entrusted to a working party, appointed by the Committee, of four of its members, whose conclusions were presented to the Committee for consideration and adoption. A separate report on this matter is being transmitted to the Economic and Social Council.

European Code of Social Security and Protocol thereto

33. In accordance with the established supervisory procedure, copies of reports regarding the European Code of Social Security and the Protocol thereto which had been submitted by twelve States having ratified these instruments were sent to the Office by the Secretary-General of the Council of Europe. The Committee has examined these twelve reports as well as other additional information, thus enabling it to observe that the majority of the States Parties to the Code and to the Protocol continue to apply them in full or nearly in full. The Committee would like to point out, however, that it has never had the opportunity to examine a report from Italy, whose ratification of the Code dates from January 1977. It again expresses the hope that the Government of this country will be in a position to transmit a report for examination at its next session. At the sitting of the Committee in which it examined the report on the application of the European Code of Social Security and the Protocol thereto, the Council of Europe was represented by Mr. S.G. Nagel, Head of the Social Security Section of the Economic and Social Affairs Directorate. The conclusions of the Committee regarding these reports will be sent to the Council of Europe. The Committee also noted that two representatives of the ILO participated as technical advisers in the meeting of the Steering Committee for Social Security of the Council of Europe, held at Strasbourg in November 1985. As in previous years, the Steering Committee approved the conclusions of the Committee of Experts, thus expressing its confidence in the ILO's supervisory procedures.

Collaboration with other international organisations

34. 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 noted that an ILO representative attended, on an advisory basis, the 69th and 70th Sessions of the Committee of Independent Experts on the Supervision of the Application of the European Social Charter, held in Strasbourg in May and October 1985. Such participation, 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 matters which also fall within the scope of ILO Conventions.

35. In the context of the collaboration established with other international organisations on questions concerning the application of

international instruments relating to subjects of common interest, copies of the reports received under article 22 of the Constitution were forwarded to the United Nations and other specialised agencies and intergovernmental organisations with which the ILO has entered into special arrangements for this purpose.

36. Thus, in accordance with established practice, copies of the reports received on the Indigenous and Tribal Populations Convention, 1957 (No. 107), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) were forwarded for comment to the United Nations, the United Nations Food and Agriculture Organisation (FAO), and the United Nations Educational, Scientific and Cultural Organisation (UNESCO). In addition, copies of the reports received on Convention No. 107 were forwarded to the Inter-American Indian Institute of the Organisation of American States as part of the collaboration provided by the ILO in implementing that Institute's Five-Year Inter-American Indian Action Plan. Copies of the reports on the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) and on the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) were forwarded to the International Maritime Organisation (IMO). Moreover, copies of the reports on the Rural Workers' Organisations Convention, 1975 (No. 141), the Human Resources Development Convention, 1975 (No. 142) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) were sent to UNESCO. Copies of the reports on Conventions Nos. 107 and 143 and on the Nursing Personnel Convention, 1977 (No. 149) were forwarded to the World Health Organisation (WHO), and copies of the reports on Convention No. 143 were also sent to the United Nations. The representatives of these organisations were invited to participate in the sittings of the Committee of Experts at which the above Conventions were discussed. The United Nations were represented at the session by Mr. Bruni of the Centre for Human Rights.

37. 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 1985, 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 its meetings in 1985. 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.

General questions concerning the application of Conventions

Application of Conventions to offshore industrial installations

38. Since 1981, the Committee has been considering the applicability of international labour Conventions to offshore

industrial installations used in the exploration and extraction of mineral and petroleum resources at sea. Within the framework of reports submitted under article 22 of the Constitution, in 1985 the Committee again invited governments to submit information on the extent to which and the manner in which the Conventions they had ratified were applied, where relevant, to work in such installations. It also expressed the hope that employers' and workers' organisations would communicate their comments on these matters.

39. In 1985, 12 governments provided replies, three of which were initial responses. This brought the total number of governments replying since 1981 to 56. The Committee also received comments from one workers' organisation. In addition, in reports submitted under article 22 of the Constitution for ratified Conventions, two Governments (Norway and the United Kingdom) and one workers' organisation (the United Kingdom Trades Union Congress), provided information on the application of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) to offshore industrial installations.

40. In its initial reply, the Government of Gabon indicated that the national legislation applies to offshore industrial installations. The Government of Bulgaria, for its part, stated that there are no offshore industrial installations in that country.

41. The Government of Turkey, also giving its initial reply, noted that there are no offshore industrial installations of a permanent nature on the seas surrounding Turkey, although the Turkish Petroleum Corporation from time to time concludes agreements with foreign drilling contractors to explore petroleum and mineral resources for a specific period of time. The Government also states that there is no special legislation governing labour conditions in such installations and that the national labour legislation is fully applicable. It is possible, however, to include special terms and conditions of employment in the agreements made with the contracting firms. Labour inspection services are undertaken by the State. Provided that there is no provision to the contrary in contracting agreements, it is not possible to employ workers of Turkish nationality. Foreign nationals employed in drilling installations are not generally insured under the Turkish social security legislation, but they are covered for invalidity, old-age and survivor's insurance, if they submit an application to the Social Insurance Institution (SSK). Foreign nationals who are the citizens of those countries that have signed bilateral social security agreements with Turkey are automatically covered for invalidity, old-age and survivor's pensions, even without such an application. Moreover, the workers employed by the operators and the contracting firms are insured by some large foreign insurance companies against all risks. According to the Government, under section 29, paragraph 3, of the Collective Labour Agreements, Strikes and Lock-Outs Act (No. 2822), it is unlawful to call a strike or order a lock-out in the exploration, production, refining or purification of gas, coal, natural gas and petroleum. In case of a labour dispute, the parties may apply to the Supreme Arbitration Board or may go to a private arbitrator (see also the Committee's observation under Convention No. 98). Finally, the seafarers engaged in the sea-going vessels running between the shore

and the mobile or fixed platforms at sea are subject to the legislation and regulations concerning maritime employment.

42. The Government of New Zealand stated that in general, the national legislation does not apply directly to offshore industrial installations. In most instances, however, the provisions of that legislation apply in so far as there exists a registered award or agreement having coverage of the installations and associated industries. The Government provided several sample agreements which cover a broad range of topics: wages, hours of work, overtime, holidays, annual leave, sick pay, termination of employment, transportation, the resolution of disputes and grievances, and so forth. The samples which were forwarded expressly excluded the rates of remuneration provided for in the agreements from the coverage of the Cost of Living Allowance Regulations 1984. As the Government noted, awards and collective agreements covering this industry contain detailed health and safety requirements, which are usually based upon existing legislative provisions. In addition, the Accident Compensation Act 1982 applies in respect of any installation or drilling rig on or above the continental shelf. Also applicable is the Petroleum Act 1937, which is administered by the Ministry of Energy. Inspectors may visit offshore installations at any time, but most visits are in response to a serious accident or a written complaint. Inspectors have the power to stop mining or drilling operations if there is immediate danger to the workers.

43. The Government of the United Kingdom provided detailed information in regard to the points which the Trades Union Congress (TUC) had raised last year (see 1985 report, paragraph 34). The Government forwarded a list of United Kingdom legislation relating to offshore installations in the fields of health and social security, employment, energy and health and safety. It also stated that the Continental Shelf, over which the Government exercises sovereign rights only for limited purposes, cannot be regarded as part of the United Kingdom's land territory, or of its territorial sea. In the Government's view, for an international labour Convention to apply to the Continental Shelf, it must contain express provision to that effect. The Government summarises its position as follows: to the extent that employment and social security legislation puts into effect international labour Conventions which the United Kingdom has ratified, then to that extent the substance of a particular Convention is implemented in practice in United Kingdom offshore installations. Similarly, amendments to social security acts and various social security regulations have extended the social security system to offshore installations. The Government notes that from 1976 to 1984 several orders have applied the provisions of almost all employment legislation to United Kingdom offshore installations. The Department of Energy has the responsibility for all health and safety matters offshore; it is advised by the Health and Safety Commission. In addition to enforcing the Health and Safety at Work etc. Act (HSWA), as agents for the Health and Safety Commission, the Department of Energy administers and enforces its own safety regulations. The HSWA already applies to offshore installations in designated areas of the Continental Shelf and in territorial waters. In the view of the Health and Safety Commission, in general, proposed legislation

"packages" (regulations, accompanied and supported by approved codes of practice and guidance notes) which apply to all kinds of work and workers should be applied offshore unless there are good reasons against doing so. The question of offshore application is considered at an early stage in the development of new regulations. Finally, the Government points out that the Oil Industry Advisory Committee was set up by the Health and Safety Commission to advise on health and safety matters in both the on- and off-shore side of the industry. Its membership is drawn from the CBI and the TUC, and the Government departments concerned. The TUC has sent further comments concerning off-shore installations which were communicated by the Office to the Government in February 1986. The Committee will return to the matter at its next session when any comments that the Government may wish to make have been received.

44. Several governments referred to or essentially repeated information which they had furnished in previous years (Austria, Bahrain, Burma, Guyana, Sri Lanka and the United States). In a follow-up reply, the Government of the Congo stated that social protection of seafarers, who are governed by the merchant shipping code, and non-seafaring personnel employed on offshore petroleum installations, who have their conditions of work fixed by the Labour Code, is assured by the National Social Insurance Fund.

45. The Committee once again invites governments to continue sending information on these matters which would be of help in clarifying certain difficult problems, in particular as to the legal status of off-shore industrial installations, the legislation applicable to the workers concerned, the manner in which jurisdiction is exercised and the effect of these factors on the scope of application of the ILO Conventions concerned. The Committee also invites special attention on safety and health protection measures in the light of the instruments chosen by the Governing Body for reporting in 1986 under article 19 of the Constitution (the Guarding of Machinery Convention, 1963 (No. 119) and Recommendation, 1963 (No. 118) and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) and Recommendation, 1977 (No. 156)). Finally, it wishes to reiterate its hope that more employers' and workers' organisations will communicate their comments on the application of Conventions to offshore installations.

46. The Committee noted with interest the publication by the Office of the draft synthesis report on the Social and Economic Effects of Petroleum Development Programmes in Non-OPEC Developing Countries, executed with the financial assistance of the Government of Norway. The draft report, which was prepared in response to requests by the ILO's Petroleum Committee, is to be published in final form in 1986. It addresses macro-economic, social and policy issues, among other topics, and touches upon employment in offshore installations. In the framework of the same programme, the Office published in 1985 the first two case studies of a series: The Development of the Petroleum Industry in the People's Republic of China and The Social and Economic Effects of Petroleum Development in Peru.

47. The Committee also recalls that the 1986-87 ILO Programme and Budget provides for a preliminary study to be undertaken with a view to determining the main problems which should be examined in this

very complex field. This stresses the importance of the question which has been under examination by the Committee since 1981.

Application of Conventions in export processing zones or enterprises

48. The Committee continued its consideration of this question, which it first examined in 1981. As noted in the Committee's 1983 report (paragraph 47), the special arrangements for export processing activities apply not only to geographical zones or areas, but also to particular enterprises. In 1985, the Committee again invited governments to supply information on this subject in their reports under article 22 of the Constitution. It also invited employers' and workers' organisations to send their comments on these questions.

49. In 1985, 12 governments replied to the request for information, three of which supplied initial communications. None of these replies contained comments by national employers' or workers' organisations. Information was received directly, however, from two workers' organisations. In addition, two reports supplied pursuant to articles 19 and 22 of the ILO Constitution contained information regarding their application in export processing zones or enterprises.

50. The three initial replies concerned Bulgaria, Gabon and Turkey. The Governments of Bulgaria and Gabon stated that they had no export processing zones.

51. The Government of Turkey supplied information separately for free trade zones (Antalya and Mersin, established on 14 March 1985), and for export zones (such as harbours, airports, points of entry and exit and so on). It reported that the social security for those employed in the free trade zones is governed by the Turkish social insurance legislation, in accordance with section 10 of the Free Trade Zones Act No. 3218 of 1985, although the Regulations concerning the application of this section have not as yet been put into effect. The Government also reported that according to section 31 of the Council of Ministers Decree No. 151 of 1983, the General Directorate of Free Trade Zones may employ personnel, on the basis of a contract of employment, without being bound by the related provisions of the Civil Servants Act, No. 657, or other related acts, for jobs that require specialised vocational knowledge or professional qualifications, subject to the approval of the Prime Minister. The number of personnel to be employed and the minimum and maximum remuneration to be paid are to be determined by the Council of Ministers at the beginning of each fiscal year. According to the Government, there is no special legislation regarding occupational safety and health in the free trade zones. Inspection with regard to these matters is carried out periodically by the labour inspectors of the Ministry of Labour and Social Security. Several exemptions of a fiscal nature were also reported. The Government further reported that in the export zones, no special legislation regarding social security or occupational safety and health existed. The inspections with respect to safety and health are done in the same manner as in free trade zones.

52. Nine additional comments were received from governments which had replied previously. Eight comments reiterated information

already supplied (Austria, Bahrain, Burma, Congo, Guyana, New Zealand, Sri Lanka and the United States).

53. In its additional reply, the Government of Mauritius indicated the manner in which certain Conventions were applied in export processing zones. According to the Government, all national legislation relevant to Conventions Nos. 17, 42, 59, 81, 95 and 98 was also applicable in export processing zones. Concerning Convention No. 14 the Committee refers to its direct request made under that instrument. As regards Convention No. 26, the Government stated that the Export Enterprises (Remuneration Order) Regulations, 1984 liberalised wages for male workers in export processing zones. An agreement exists, however, between the Government and employers whereby male workers would draw wages not less than those paid to female workers. According to the Government, labour inspectors of the Ministry of Labour and Industrial Relations carry out regular inspections to ensure that the employers and workers are informed of minimum wage rates and that no wages below them are paid. In its report under article 19 of the Constitution regarding the application of the (unratified) Convention No. 100 and of Recommendation No. 90 the Government none the less reported the existence of differentials between rates of remuneration for men and women for work of equal value in, among other sectors, the export enterprises. It further reported a wage increase of 5 per cent granted to female workers and stated that measures were being considered for the progressive application of the principle of equal remuneration in this and other sectors.

54. The Committee has noted the comments made by the Textile and Clothes Manufacturing Workers Union in Mauritius regarding recommendations it had made to the National Remuneration Board. The Union forwarded a copy of a document dated 14 September 1984 containing the responses of the National Remuneration Board to the demands made by workers' organisations in respect of the Export Enterprises (Remuneration Order) Regulations. According to that document, as of December 1983 there were about 140 establishments in the export processing zone, employing 23,535 persons. In 1983, EPZ exports represented 30.3 per cent of total exports. The Board stated that it has endeavoured to strike a balance between the need to keep exports as competitive as possible and the desirability of affording workers fair conditions of employment. The document summarised recommendations which had been made in respect of demands regarding wages, working hours, leave, various bonuses, allowances, benefits and facilities.

55. The Committee has, moreover, noted with interest the information supplied by the International Textile, Garment and Leather Workers' Federation (ITGLWF), which included a discussion document on free trade zones from the trade union body's Third World Congress held in Vienna in 1980. The ITGLWF also supplied a Report from a seminar on Asian free trade zones, held in Tokyo in 1983, which contained the texts of lectures, chiefly regarding labour conditions, in Part I. In the conclusions to this document, the ITGLWF reaffirmed the resolutions of the Third World Congress, among them a request to the ILO to: "undertake detailed studies to examine the wages and conditions of workers in free trade zones and world market factories with a view to securing working conditions comparable to those applicable in the home

countries of the MNE (multinational enterprise) concerned and wages which reflect the profits made in the host country". Part II of the report contained country profiles of selected Asian countries, mainly regarding union activities and terms and conditions of employment.

56. The Committee has further noted with interest two developments in the Office. Firstly, it has noted that the Office is continuing its research on the employment effects of multinational enterprises in export processing zones. As the Committee on Multinational Enterprises of the Governing Body noted at its November 1985 Session, working papers from local experts have been commissioned for the following countries: Barbados, Brazil, Costa Rica, Dominican Republic, El Salvador, Jamaica and Trinidad and Tobago. Provision has also been made for a report synthesising the findings of all the working papers and other studies on export processing zones for Africa, Asia and Latin America. Secondly, in connection with its 1985 report (paragraph 44), the Committee of Experts noted that the ILO Industrial Activities Committee recommended at its June 1985 Session that the Governing Body request the Director-General, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Textiles Committee in its Resolution No. 87, calling for the promotion of the full application of relevant ILO Conventions in export processing zones and of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

57. The Committee regrets the absence of replies from a number of countries which, according to other information available to the Office, have established export processing zones or enterprises. It therefore again invites governments which have not yet done so to provide information on export processing zones in the broadest sense of the term, and on any effect that their establishment may have on the application of Conventions. With regard to Pakistan, the Committee is again formulating a general observation in this respect.

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

58. At its present session the Committee has examined the application of the Convention in 39 countries, many of them in Africa and Latin America, and a limited number in Europe.

59. The continuing high rates of unemployment in industrialised countries despite the recovery of recent years, remain a cause of grave concern. This year, however, the Committee has chosen to devote particular attention to those developing countries where the recession and spiralling debt have led to unprecedented problems in the area of employment. In Latin America in particular, many governments have pointed in their reports to the adverse consequences of global recession for their efforts at employment creation. International factors, including both the massive debt problem and the contraction of export markets together with the depressed prices of many primary export commodities, have had their consequences at the national level. With disturbing frequency, governments have described the sharp drop of private and above all of public investment, of public works programmes and construction, and a reduction of the resources devoted to education and training programmes and institutions.

Furthermore, long-range planning has suffered. Within these circumstances, certain governments have tended to allocate a greater role to the private sector within the development process, and correspondingly to reduce their emphasis on job creation in the public sector. There is increasing evidence in the governments' reports of pessimism, and even despair.

60. Open unemployment has been increasing dramatically in parts of the developing world, while underemployment may affect up to half of the economically active population in many countries. In Latin America, according to the figures of the Regional Employment Programme for Latin America and the Caribbean (PREALC), open unemployment rose from 7 to 11 per cent in 1984 breaking a longstanding trend of a constant rate of open unemployment of approximately 7 per cent. There has also been a significant increase in visible underemployment, measured primarily by the hours worked. In Africa likewise, the deteriorating economic situation has had serious social consequences. In sub-Saharan Africa, for example, between 8 and 12 per cent of the economically active population is estimated to be openly unemployed, and over 40 per cent to be underemployed. Demographic factors - the ILO has calculated that an increase of 1,400 million workers is foreseen in the developing countries over the next 40 years - as well as economic and financial factors at the national and international levels point to tremendous challenges in the years ahead if unemployment is not to reach yet more alarming proportions.

61. Overall statistics on unemployment and underemployment do not reveal one important aspect of the problem, namely its unequal incidence among various population groups. All available information indicates that the young and women suffer most, but other groups are also at a disadvantage, especially migrant workers. The Committee wishes to draw attention to the contents of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and to the measures whose adoption it advocates "in the context of an overall employment policy" to meet the needs of disadvantaged groups. Moreover, the Committee notes with interest the adoption by the Conference at its June 1985 Session of the resolution on equal opportunities and equal treatment for men and women in employment, under which measures to promote the employment of women should form an integral part of national policies to achieve full, productive and freely chosen employment in the sense of the employment policy instruments. Furthermore, the Committee has noted with interest that the problems of youth are on the agenda of the 1986 Session of the Conference for a general debate. The Committee trusts that governments will give careful consideration to the necessary follow-up to Conference decisions or recommendations, in order to ensure a better conformity of their employment policies with the provisions of Article 1 of the Convention.

62. It is only in the informal sector - which in Latin America, according to PREALC estimates, has shown an increase of 18 per cent in employment in the 1980s - that there has been any sign of significant job creation. But the trend has its negative consequences for both wage levels and the protection of labour rights. Wages are depressed, and it is often the skilled workers laid off from enterprises closed as a result of the recession who have been compelled to seek employment alternatives in the informal sector.

63. Within this generally bleak climate, many governments have nevertheless described measures to save or create employment. One encouraging sign is the number of States which have established special employment commissions or councils, often with a tripartite structure, in order to ensure that employment needs are given some consideration within overall economic policy making. Another is the attempt to stimulate productive employment in the rural sector. The Committee has noted with interest the information provided by a small number of States on agrarian reform measures. It notes, however, that, as governments elect to stimulate the export sector of agriculture for the generation of foreign exchange earnings, they have all too often ignored the subsistence needs of the landless and small farmer population and have refrained from the implementation of redistributive land reforms which could do much to stimulate more job creation in the rural sector.

64. The Committee has noted with interest the attention given by the Tenth Asian Regional Conference (Jakarta, December 1985) to the international dimensions of employment issues, and also to the important matter of rural and urban vocational training. In Jakarta, the need was stressed to ensure that stabilisation and adjustment policies are not carried out to the detriment of social justice and employment considerations: and recognition was given to the important role to be fulfilled by the ILO in identifying alternative stabilisation and structural adjustment policies which can minimise their social costs. And in his report to the Twelfth Conference of American States Members of the ILO (Montreal, March 1986), the Director-General has noted the dramatic increase in open unemployment, as well as the linkage between international financial patterns and the severe structural problems which now pervade so many of the Latin American economies. As he noted, a fairer distribution of the burden of the crisis implies a renegotiation of the external debt based on a recognition of the development needs of the poorer countries.

65. In previous years the Committee has referred to the importance of closer co-ordination between the various international agencies concerned, including the IMF and the World Bank, in formulating advice and tendering assistance to governments in matters of economic and employment policy. It has also stressed the importance of ILO's Recommendation No. 169 which contains a number of recommendations in the area of international economic co-operation and employment, whereby States may define joint policies designed to promote a fair distribution of the social costs and benefits of structural adjustment as well as a fairer international distribution of income and wealth. In this regard the Committee notes with interest that, pursuant to the resolution concerning employment policy adopted by the International Labour Conference at its 1984 Session, the Governing Body has now set up on an interim basis a Committee on Employment. It also notes with interest the additional measures taken by the ILO to stimulate discussion and co-operation on these important issues, including: (i) the holding in October 1985 of a Tripartite Symposium on Employment, Trade Adjustment and North-South Co-operation, (ii) the Governing Body decision to hold in 1986 a high-level policy meeting, to be attended by persons including Ministers of Finance and Planning and leading members of employers'

and workers' organisations, to review the impact of trade, financial and monetary policies on employment and poverty.

66. The Committee notes that the above-mentioned meetings may be the most appropriate in which to discuss the international dimensions of today's severe employment crisis, and to make recommendations accordingly for fairer structures and policies at the international level. The Committee's own task is to examine the application of the Employment Policy Convention in individual countries, and to carry out its supervisory work making comments in the form of direct requests and observations. But the Committee must also stress the fundamental importance of the existing standards in employment policy, and must attempt to ensure that they are indeed taken into account whenever decisions are taken at any level on macro-economic policy issues which have a major effect on the employment situation. In the coming year, both within and outside the ILO structure, there will be a series of meetings to discuss these issues, and the employment policy Convention and Recommendations should be among the basic instruments whereby the impact of proposed measures on social justice can be evaluated. The Committee considers it a particularly timely moment to make these comments. On the basis of the most recent information available, it has been able to detect various trends such as economic recovery in the industrialised countries, greater control of inflation, declining interest rates, and the apparent intention to seek solutions to the international debt problem. All of these factors would seem to create a more favourable environment for the re-examination of development strategies, and for the adoption of economic, monetary and trade policies which include employment creation among their essential objectives. The Committee expresses the hope that it can, at the time of its next examination, point to progress. The danger that has to be avoided is the possibility that the benefits will not be felt by those who have experienced long-term unemployment.

67. Full consultation with the social partners is a prerequisite for the effective application of this Convention. On this issue, the Committee would like to emphasise the following. Consultation should, in so far as possible, be not only with the representatives of established employer and worker organisations, but with other "representatives of the persons affected by the measures to be taken" with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies (Article 3 of the Convention). The report form also specifically requests governments to refer both to consultations with representatives of employers' and workers' organisations and to consultations with representatives of other sectors of the economically active population such as those working in the rural sector and the informal sector. It is often the landless rural workers and the marginal urban dwellers who have been affected most adversely by recession in the developing world, and who nevertheless have no voice in the decisions over the austerity measures that affect them. The Committee particularly hopes that next year governments will describe in detail the means by which consultations over the implementation of Convention No. 122 can be progressively extended to all sectors thereby affected.

68. Finally, the Committee would again like to stress the importance of receiving comments from the social partners on the application of this Convention. This year, whereas many governments have described in some detail the adverse effects of global recession on employment, it has (with a few important exceptions, such as the comments from professional organisations in Italy, the Netherlands and Portugal) received almost no comment from the social partners that have felt the brunt of recession at the national level. In future years, the Committee hopes that employer and worker organisations from the developing countries will also furnish their comments on the problems encountered in securing the application of the Convention.

Application of the Conventions on
the night work of women

69. During its examination of the application of the Conventions on the night work of women (Conventions Nos. 4, 41 and 89), on which detailed reports were due for the present period, the Committee has noted a trend of opinion among a number of governments to the effect that the prohibition of night work for women would be a discrimination against them and would also be contrary to present-day thinking on the role of women in society, and it has found that the application of the Conventions in question is running into difficulties in a certain number of countries.

70. The Committee has also noted that the Conventions on the night work of women are among those for which there have been the greatest number of denunciations not accompanied by the ratification of a revised Convention (so far there have been 13 out of a total of 47 denunciations of this kind). It has noted in particular that of the six denunciations of Convention No. 89, five have taken place in the last period during which this Convention was open to denunciation - between 27 February 1981 and 27 February 1982. The Committee has been informed that other States are thinking of denouncing this Convention if they are not allowed greater flexibility in its interpretation. The Committee points out that it is bound to assess the application of the provisions of Conventions as they have been adopted by the International Labour Conference and that, also in respect of Conventions on the night work of women, it cannot but restrict itself to the exceptions allowed by these Conventions.

71. The Committee is fully aware, however, that, both at international level and in many countries, there is a broad debate concerning the appropriateness to the economic and social principles and the ways of thinking of today, of the standards prohibiting night work for women. It has therefore been interested to learn that the Governing Body will have a proposal of the Office before it at its May and November Sessions in 1986 to include in the agenda of the 1988 Session of the International Labour Conference an item concerning the revision of Convention No. 89 and the adoption of new standards on night work. In view of the growing difficulties it has found in the application of the existing standards on this matter, the Committee calls the attention of the Governing Body to the importance of seeking a rapid solution.

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

72. In 1985, direct contacts took place in Bangladesh for the purpose of examining the application of the Indigenous and Tribal Populations Convention, 1957 (No. 107), and in Chad and Mauritania to examine all the problems relating to member States' constitutional obligations and the application of ratified Conventions, and in Ecuador and Paraguay concerning freedom of association. In early 1986, freedom of association was the subject of direct contacts in El Salvador and Honduras.

73. On-the-spot missions relating to freedom of association took place in Canada in 1985 and in Tunisia in early 1986.

74. The Regional Advisers on standards, whose tasks consist essentially of assisting governments to fulfil their obligations under the ILO Constitution and ratified Conventions, visited the following countries: Africa: Benin, Burundi, Chad, Congo, Gabon, Guinea, Liberia, Mauritania, Morocco, Senegal, Tanzania, Zaire and Zimbabwe; America: Brazil, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru and Uruguay; Asia and the Pacific: Australia, India, Japan, Pakistan, and Singapore.

75. The Committee has also been informed that during 1985, 19 officials of the following 18 countries undertook training (normally of two weeks' duration) with the International Labour Standards Department: Argentina, Brazil, Cameroon, Chile, China, Comoros, Congo, Costa Rica, Equatorial Guinea, Madagascar, Malaysia, Niger, Paraguay, Sao Tome and Principe, Senegal, Sri Lanka, Uganda, and Uruguay.

76. The Committee welcomed the continuation of the programme of seminars designed to familiarise the officials of national labour administrations and workers' and employers' representatives with the obligations of member States and with ILO procedures relating to Conventions and Recommendations. Several such meetings have taken place since the last session of the Committee.

77. During 1985, two regional seminars on international labour standards for officials directly responsible for questions related to their countries' obligations under the ILO Constitution and ratified Conventions took place. The first seminar for representatives of five southern Pacific countries was held in Sydney (Australia), and the second one for English-speaking African countries in Lusaka (Zambia). A tripartite regional seminar on freedom of association, attended by 37 persons from 14 countries, took place in Manila (Philippines).

78. In addition, tripartite national seminars on international labour standards were held in the following countries: Argentina, Colombia, Comoros, Cuba, Finland, Nepal and Uruguay. Seminars for employers were also organised in Pakistan and in Thailand, and for workers in India and Pakistan.

79. The regional advisers, during their visits to various countries, held meetings on international labour standards in Benin, Malawi, Singapore, Zaire and Zimbabwe. In addition, one regional adviser gave a series of lectures for labour inspectors being trained in the African Regional Centre for Labour Administration (CRADAT) in Yaoundé (Cameroon).

IV. ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONSPractice and experience concerning the comments
by employers' and workers' organisations on the
application of international labour standards

80. The importance of the role played by employers' and workers' organisations in the supervisory machinery of the ILO has often been emphasised. The International Labour Conference highlighted it in 1971 and 1977, occasions on which it adopted resolutions calling for the strengthening of tripartism.¹ The Conference has also shown the importance it attaches to the contribution of employers' and workers' organisations in this field by adopting, in 1976, the Tripartite Consultation (International Labour Standards) Convention (No. 144) and Recommendation (No. 152). The Convention requires ratifying States to organise effective consultations between representatives of the government, of employers and of workers on the following points, among others:

- the submission of Conventions and Recommendations to the competent authorities (article 19 of the Constitution);
- the re-examination of unratified Conventions and of Recommendations "to consider what measures might be taken to promote their implementation and ratification as appropriate";
- reports on ratified Conventions and also, under Recommendation No. 152, on unratified Conventions and Recommendations.

81. The 1971 and 1977 resolutions led the Committee of Experts on the Application of Conventions and Recommendations to devote particular attention to the way in which States met the obligation, laid down in article 23, para. 2, of the ILO Constitution, to communicate to the employers' and workers' organisations copies of the information and reports transmitted to the ILO in pursuance of articles 19 and 22 of the Constitution. The Committee of Experts also proposed various measures to encourage greater participation by these organisations.² Accordingly, one of the decisions taken by the Governing Body was to expand in greater detail the question in the report forms on ratified Conventions concerning the obligation to communicate copies of reports to the occupational organisations and that concerning the comments received from the occupational organisations. The report forms on unratified Conventions and on Recommendations, like the questionnaire appended to the memorandum on

¹ Resolution concerning the strengthening of tripartism in the overall activities of the ILO (1971), ILO Official Bulletin, Vol. LIV, 1971, No. 3, p. 260; Resolution concerning the strengthening of tripartism in ILO supervisory procedures of international standards and technical co-operation programmes (1977), ILO Official Bulletin Vol. LX, 1977, series A, No. 3, p. 168.

² For a full account of these measures see the reports of the Committee of Experts for 1972, 1973 and 1974: Report III (Part 4A), International Labour Conference, 57th Session, Part One, particularly paragraphs 57 to 98; 58th Session, Part One, paragraphs 61 to 78; 59th Session, Part One, paragraphs 46 to 51.

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the obligation to submit Conventions and Recommendations to the competent authorities, were also supplemented in the same way.

82. The Office at the same time took measures to ensure that the employers' and workers' organisations were better informed of the possibility open to them of contributing to the implementation of ILO standards in their countries. Every year it now sends a letter to the employers' and workers' organisations in member States indicating the Conventions on which their governments must submit reports and, where appropriate, the text of the comments made by the Committee of Experts on these Conventions. At the request of the Workers' delegates, the ILO has also organised study meetings on the procedures for the drawing up and supervising of standards, for workers' representatives at the International Labour Conference and at regional conferences. More recently, seminars have also been organised for workers and employers at the national level with the Office's assistance.

83. These various measures have undoubtedly made employers' and workers' organisations more fully aware of the place they can fill in the supervisory machinery concerning the application of Conventions and Recommendations. They also explain the considerable increase in comments received in the regular process of supervision which is based on the supply of reports. These comments numbered nine in 1972, 52 in 1975 and 1980, 82 in 1983, 102 in 1984 and 149 in 1985. It need hardly be said that they form a particularly useful source of information on the way in which States give effect to the standards of the ILO in law and in practice. They have often enabled the Committee of Experts to obtain a better knowledge and a greater understanding of the difficulties encountered in the countries. The Committee has therefore decided to take stock briefly in 1986 of the experience acquired in this field.¹

Legal basis for the submission of comments

84. Article 22 of the ILO Constitution provides that States Members shall make a report on the effect given to the Conventions that they have ratified. "These reports," it specifies, "shall be made in such form and shall contain such particulars as the Governing Body may request". It is on this basis that the Governing Body decided in 1932 - on the recommendation of both the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations - to insert in the report forms on ratified Conventions a question asking whether the government concerned had received comments from employers' or workers' organisations.²

85. In 1946 the Conference adopted an Instrument of Amendment to the Constitution, which introduced several new requirements in the

¹ See Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4A), International Labour Conference, 71st Session, 1985, General Report, paras. 81 and 82.

² Minutes of the 60th Session of the Governing Body, October 1932, pp. 79 and 156.

submission of reports, including the obligations that now appear in article 19 of the Constitution: the obligation to inform the Director-General of the measures taken to bring adopted Conventions and Recommendations before the competent authorities and the obligation to report, when requested by the Governing Body, on the effect given to unratified Conventions and to Recommendations. The Instrument of Amendment, which came into force in 1948, also added to article 23 of the Constitution the paragraph 2 referred to above, under which "each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22". The Governing Body therefore decided to add to the report forms on ratified Conventions an additional question asking to what representative organisations the reports had been communicated.¹ The question concerning the comments sent by employers' or workers' organisations has continued to appear in the report forms.

86. It is important here to stress that, although article 23, paragraph 2, of the Constitution provides for the very useful possibility of bringing the reports of the governments to the attention of certain organisations, namely the most representative, it is not the basis of the question in the report form relating to the comments submitted by employers' and workers' organisations, which must be distinguished from the question relating to the communication of reports to the representative organisations, and it does not restrict the scope of this question to the most representative organisations.

87. The question, accordingly, is one that refers in general terms to the employers' and workers' organisations concerned. National central confederations, federations for the branches of activity, regional or local organisations or even the unions of a plant or plants may have an obvious interest in submitting comments. The Governing Body has also referred, in particular at its November 1976 Session, when it approved the present system of spacing the reports on ratified Conventions, to communications submitted by international occupational organisations.² The Committee of Experts has examined comments submitted by such organisations, which sometimes come from organisations having consultative status with the ILO (the International Confederation of Free Trade Unions, the World Confederation of Labour, the World Federation of Trade Unions), and sometimes from other international occupational federations. Since these organisations have the right to submit a representation by virtue of article 24 of the Constitution - that is to say to employ a much more complicated constitutional procedure - they should also be offered the more limited opportunity of making comments on the effect given to ILO standards.

88. For the same reasons, comments submitted directly to the ILO by occupational organisations are also taken into account, though it

¹ Minutes of the 104th Session of the Governing Body, March 1948, pp. 112 and 209.

² See ILO Official Bulletin, Vol. LX, 1977, series A, No. 2, p. 46, clause (e)(iii).

is true that the report forms mention only the comments received by the governments concerned. The Governing Body, however, has accepted this procedure¹ and has decided that comments submitted directly to the Office must be communicated to the governments concerned to enable them to make such remarks as they may consider appropriate. A purely procedural point could not be allowed to prevent the employers' and workers' organisations from supplying useful information, provided that the government was duly informed of the fact.

89. There is another point of procedure that ought to be mentioned. It may happen that an employers' or workers' organisation submits comments on the application of certain standards at a time when no report on the matter is expected from the government concerned. This situation can arise because the interval between two reports may be as long as four years. It may also arise in connection with Conventions for which detailed reports are no longer requested. In either case the comments are referred to the Committee of Experts, and it has been expressly decided by the Governing Body that a detailed report could nevertheless be requested by the Committee.²

90. Generally speaking, the submission of comments by the employers' and workers' organisations under the regular supervisory system of the ILO enables the Committee of Experts to examine information that is sometimes particularly useful and also makes it possible to resort less frequently to the more formal and more cumbersome procedure of representations provided for by article 24 of the Constitution. The Conference has insisted, particularly, as has been seen in the resolutions adopted in 1971 and 1977, on the necessity of strengthening tripartism in the supervisory machinery of the ILO. The Governing Body too has emphasised this necessity on many occasions. In recent years both the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations have welcomed the growing participation of employers' and workers' organisations. They have mentioned the importance of the information that these bodies can furnish, especially on the practical application of international labour standards and on the material difficulties encountered in applying them. The opportunity afforded these organisations of submitting comments is one of the means of giving effect to this clearly stated policy.

91. Lastly, a clear distinction should be made between receiving the comments submitted and expressing an opinion on their value: to examine them in no way implies the adoption of a position on their merits. Once the Committee of Experts has studied the comments and any remarks made on them by the government concerned, it decides whether action is to be taken on them and draws up its own comments. In a number of cases the Committee has considered that the points raised by an organisation disclosed no divergency between the law or

¹ See in particular ILO Official Bulletin, *ibid*.

² For the first situation see ILO Official Bulletin, *ibid*.; for the second see documents of the Governing Body of the ILO (229th Session, 25 February-1 March 1985): GB.229/10/19, paras. 4 and 22, and GB.229/PV (Rev.), pp. VII/1-2.

practice of the country concerned and the text of the international labour Convention in question.

Brief analysis of the comments received

92. Every year, the Committee of Experts includes in its general report information on the number of comments received from occupational organisations, distinguishing between those from employers' organisations and those from workers' organisations, and on the problems that they raise (application of ratified Conventions, reports on unratified Conventions and Recommendations, submission of recently-adopted instruments to the competent authorities). It lists the number of comments addressed directly to the Office and those submitted with the reports of the governments. It also mentions the Conventions to which the comments refer, the name of the organisation and that of the country concerned. A study of this information, between 1975 and 1985, shows certain general trends in this field. They are described in the following paragraphs.

93. The comments are received from widely varying organisations. Rather fewer than a third come from employers' organisations and the rest from workers' organisations. Most of the comments come from national organisations of the countries concerned, and about two-thirds of these come from inter-occupational confederations, the others coming from occupational federations or individual trade unions. In 28 cases the comments have been submitted by international trade union organisations, the organisations concerned in 18 of these cases (ICFTU, WCL, WFTU) having consultative status, and those concerned in the other ten were international occupational federations. A considerable number of comments are addressed directly to the ILO, the proportion for the past four years being about 40 per cent.

94. Most comments concern European countries, mainly those with a market economy. In an appreciable number of cases they concern countries of the Americas or Asia and the Pacific (India and Japan in particular). Few comments concern African countries. Looking at the question from another point of view, the Director-General noted in his report to the Conference in 1984¹ that the great majority of the comments received between 1979 and 1983 from employers' and workers' organisations related to developed countries (78 per cent) and that three-fifths of the States Members of this category had been the subject of comments. Among the developing countries, on the other hand, only one out of eight had been the subject of comments (of the 14 countries concerned, eight were in the Americas, three in Africa and three in Asia).

95. Most of the comments (about 85 per cent) received between 1975 and 1985 relate to the application of ratified Conventions. Far fewer (just under 13 per cent) relate to reports on unratified Conventions and on Recommendations. Only a few relate to the submission of recently-adopted instruments to the competent authorities.

¹ ILO, Report of the Director-General, International Labour Conference, 70th Session, Geneva, 1984, pp. 52-54.

96. The comments frequently relate to the Conventions on basic human rights (freedom of association, equality of opportunity and treatment, forced labour), but also relate to the Conventions on employment, labour administration and seafarers. Many more relate to Conventions concerning wages.

97. In a great number of these comments, the employers' and workers' organisations have alleged that the national authorities do not ensure the practical application of a given Convention. They maintain that the legislation is not in fact applied or is applied inadequately or too restrictively, that the necessary measures to give effect to it have not been adopted or that they conflict with the Convention in question. Lastly, the measures adopted may turn out to be inadequate or not go far enough.

98. The problems raised in other cases have been of a legal nature: the organisation considers that the national law is in direct conflict with the Convention or that the national provisions are too narrowly drafted to give full effect to it. In some cases the complete absence of legislation makes it impossible to give real effect to the instrument; sometimes too it is the interpretation of the legal texts by the public authorities or the courts that is called in question. Some comments have also related to draft legislation.

99. Other comments by employers' or workers' organisations confirm the information supplied by the government or, on the contrary, challenge it. Sometimes they merely ask for additional information. Some of these comments have related to an observation or direct request made by the Committee of Experts itself, either to support it or to express reservations. Still other comments express the opposition of the organisation to the denunciation of a Convention.

Procedure adopted in examining observations

100. When the employers' or workers' organisations send their comments directly to the Office, it communicates them to the government concerned, in accordance with the decisions of the Governing Body, so that it may make such remarks as it considers appropriate.¹ The Office performs a purely administrative function in this connection and makes no attempt to verify whether any criticisms expressed are justified or not. In transmitting the comments the Office confines itself to stating that they and any remarks that the government may wish to make will be brought to the attention of the Committee of Experts.

101. Although the Committee has always endeavoured to examine the comments received as rapidly as possible, there has sometimes been a certain delay. This is due in the first place to the time between the sessions of the Committee. It is also due sometimes to the periodicity (up to four years) of the reporting system. Lastly, it may be due to the need to wait, when the comments are sent directly to the Office, for the remarks that the government may wish to make. Measures have

¹ ILO Official Bulletin, Vol. LX, 1977, series A, No. 2, p. 46.

been taken to reduce the delay as far as possible.¹ Accordingly, the Committee deals with the comments received as soon as the government has supplied its own remarks, whether a report is due on the Convention that year or not. This is also the case when the government supplies no remarks within a reasonable period: the Committee nevertheless examines the substance of the comments. Time could be saved in the examination of comments if the organisations concerned communicated copies directly to the government when sending them to the Office.

102. There are various possibilities at the end of this examination. The Committee of Experts may consider that the information received from the employers' or workers' organisation does not in itself provide the basis for comments on the application of the Convention concerned by the country in question. Sometimes the Committee finds that the situation complained of is not incompatible with the Convention² or that the difficulties referred to do not fall within its competence.³ The Committee also frequently asks the government concerned to provide further information on the question raised.⁴ On the other hand, it has often recommended that the government, on the basis of the information submitted by an occupational organisation, take suitable measures to correct the deficiencies observed. Subsequently, it has been able to take note of the measures adopted,⁵ the assurances given by the government⁶ or even the amendments introduced to the legislation.⁷

¹ See Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4A), International Labour Conference, 59th Session, 1974, General Report, para. 51; *ibid.*, 63rd Session, 1977, para. 92.

² See Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4A), International Labour Conference, 60th Session, 1975, Part Two, observation relating to Finland (Convention No. 87); *ibid.*, 64th Session, 1978, observation relating to Japan (Convention No. 121); *ibid.*, 69th Session, 1983, observation relating to New Zealand (Convention No. 44); *ibid.*, 71st Session, 1985, observation relating to the United Kingdom (Convention No. 144).

³ See, for example, *ibid.*, 63rd Session, 1977, observation relating to Cyprus (Convention No. 2).

⁴ See, for example, *ibid.*, 69th Session, 1983, observation relating to the United Kingdom (Convention No. 122); *ibid.*, 70th Session, 1984, observation relating to the Netherlands (Convention No. 140).

⁵ See, for example, *ibid.*, 65th Session, 1979, observation relating to Spain (Convention No. 88); *ibid.*, 71st Session, 1985, observation relating to India (Convention No. 26).

⁶ See, for example, *ibid.*, 65th Session, 1979, observation relating to Portugal (Convention No. 98); *ibid.*, 69th Session, 1983, and 70th Session, 1984, observations relating to France (Convention No. 146).

⁷ See, for example, *ibid.*, 69th Session, 1983, observation relating to Ireland (Convention No. 87).

103. The remarks made by the Committee of Experts take the form of observations or direct requests as the case may be. Direct requests are used, particularly when the questions raised are of a very technical nature, when they are of secondary importance or when the Committee wishes to receive clarification of certain points before deciding the question raised. Observations are used in cases raising problems of general interest or of major importance.

Final remarks

104. As the Director-General wrote in the part dealing with standards of his Report to the Conference in 1984,¹ if one compares the number of comments from occupational organisations with the total number of reports examined each year and also with the total number of ratifications, one is led to wonder whether there would not be much greater scope for using this relatively simple method of bringing concrete problems in the application of Conventions to the attention of the supervisory bodies. This remark applies to all States Members of the ILO but in particular to the developing countries, from which the number of comments received, as has been seen, is particularly low.

105. The Committee, indeed, has already wondered in the past² whether employers' and workers' organisations are in a position to make full use of the information, documents and training methods made available to them and to deal with all the questions raised by international labour standards. Emphasis has been placed, at the Conference Committee in particular, on the difficulties encountered by certain organisations which are poorly equipped and which lack both financial resources and qualified staff. Following the discussion on international labour standards at the Conference in 1984, the Director-General indicated his intention of having the matter studied more thoroughly by the competent services of the Office, calling on the experience of the regional advisers, with a view to determining how the assistance of the ILO to these organisations might be strengthened and improved. Suggestions have already been made, moreover, during seminars and regional meetings. The Committee awaits the results of the study with interest.

106. Moreover, one cannot over-emphasise the importance for employers' and workers' organisations of another means of taking part in the ILO machinery for the supervision of standards - and in their elaboration - namely, the implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Office has recently taken various steps to promote its ratification, which at 31 December 1985 had been carried out by only 38 member States. Tripartite consultations in the full sense of the word, in the fields linked to the standard-setting activities of the ILO, are a guarantee that the application of the labour standards of the

¹ International Labour Conference, 70th Session, 1984, op. cit., p. 52.

² See Report of the Committee of Experts, *ibid.*, 59th Session, 1974, para. 50.

Organisation will be subject to a thorough and systematic examination by the parties concerned.

107. Progress in the organisation of these consultations should help to settle various problems arising in the application of the standards of the ILO through discussions, starting with discussions at the national level. Even though the examination of the comments received by the Committee of Experts does not imply the exhaustion of national appeal procedures, such consultations may make it possible to avoid bringing these problems before an international authority before attempting to find a national solution, except in urgent or particularly important cases. They should also make it possible to reduce the number of futile and unwarranted comments. This was pointed out by delegates to the Committee on Standing Orders and the Application of Conventions and Recommendations of the Governing Body when it was called on in November 1985 to examine a paper on practice in respect of comments by employers' and workers' organisations as regards the application of Conventions and Recommendations. These consultations must, moreover, lead within a reasonable period to the choice of the measures to be taken with a view to giving effect to any recommendation of the supervisory bodies.

108. These consultations have made it possible in a number of cases to find solutions to the problems arising and it has then been unnecessary for the employers' and workers' organisations to submit comments to the ILO, but there have also been situations in which the divergencies have remained and comments have nevertheless been submitted, for it is true that consultation does not necessarily mean agreement.

Communication of the reports and information to the organisations of employers and workers

109. 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

¹ Direct requests have been addressed to the following countries: Cape Verde, Comoros, Lao Peoples' Democratic Republic, Rwanda and Senegal.

² A direct request has been addressed to Cameroon.

³ A direct request has been addressed to Comoros and Rwanda.

Comments received from employers' and workers' organisations

110. Since its last session, the Committee has received 147 comments, 49 of which were communicated by employers' organisations and 98 by workers' organisations. This total figure, similar to the number of comments received in 1985 (149) – which was the highest ever received – shows once again the ever-growing interest of employers' and workers' organisations in the implementation of ILO standards and reflects the constant efforts made by the supervisory bodies and the Office to give interested organisations complete information on their role in this area.

111. The majority of the comments received (134) relate to the application of ratified Conventions.¹ Thirteen comments relate to reports provided by governments under article 19 of the Constitution,

¹ Argentina: Dredgers and Buoy Tenders Workers' Union on Convention No. 1; General Confederation of Labour on Conventions Nos. 87 and 98; Austria: Austrian Congress of Chambers of Labour on Convention No. 81; Bangladesh: Bangladesh Employers' Association, Bangladesh Jatiyatabadi Sramik Dal on Convention No. 29; Brazil: National Confederation of Workers in Credit Enterprises on Conventions Nos. 98 and 131; National Confederation of Road Transports on Conventions Nos. 12, 42 and 100; National Confederation of Industry on Convention No. 100; Colombia: General Workers' Union in the Clothing Industry on Convention No. 95; Denmark: Danish Federation of Trade Unions (LO) on Convention No. 102; Dominican Republic: United Workers' Organisation on Conventions Nos. 29, 87, 95, 98 and 100; Finland: Central Organisation of Finnish Trade Unions (SAK) on Conventions Nos. 2, 81, 100, 129, 135, 148, 149, 151 and 156; Central Organisation of Professional Associations in Finland on Convention No. 100; Confederation of Salaried Employees (TVK) on Conventions Nos. 81, 100, 121, 135, 148, 149 and 156; Employers' Confederation of Service Industries (LTK) on Conventions Nos. 2, 81, 100, 148 and 156; Finnish Employers' Confederation (STK) on Conventions Nos. 2, 81, 121, 148 and 156; Finnish Seamen's Union on Convention No. 147; Federal Republic of Germany: Confederation of German Trade Unions (DGB) on Conventions Nos. 87 and 98; France: National Federation of Labour Inspection Trade Unions on Convention No. 129; Greece: Pan-hellenic Telephone Operators Association of the OTE on Convention No. 111; India: Centre of Indian Trade Unions on Conventions Nos. 5 and 100; RDSO Karmachari Sangh on Convention No. 1; Italy: Association for Petrochemical and Allied Concerns (ASAP), Trade Union Association (INTERSIND) on Conventions Nos. 89, 90 and 138; General Confederation of Agriculture on Conventions Nos. 11, 89 and 138; General Confederation of Commerce on Conventions Nos. 79 and 138; General Confederation of Cooperatives, Italian Trade Union Confederation of Workers on Convention No. 11; General Confederation of Handicrafts on Conventions Nos. 79, 89, 90 and 138; General Confederation of Industry on Convention No. 89; Maritime Federation FEDERMAR (CISAL) on Convention No. 146; Jamaica: Jamaica Employers' Federation on Convention No. 87; Japan: Council of Public Service Trade Unions on Conventions Nos. 87 and 98; General
(footnote continued on next page)

on the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.¹

(footnote continued from previous page)

Council of Trade Unions (SOHYO) on Conventions Nos. 81, 87 and 98; Japanese Confederation of Labour (DOMEI) on Conventions Nos. 81, 87, 98 and 100; Japan Auto Transport Workers' Union, Japanese Federation of CO-OP Trade Unions, Japanese Federation of Commercial Broadcast Workers' Unions, Japanese Federation of Publishing Workers' Union, National Federation of Trade Unions of Agricultural Cooperation Associations, Tokyo Metropolitan and Special Ward Government Workers' Union on Convention No. 96; Morocco: Banking Workers' Union on Convention No. 98; Mauritius: National Trade Union Front on Convention No. 105; Netherlands: Confederation of Netherlands Trade Union Movements (FNV) on Convention No. 87; Federation of Christian Trade Unions (CNV) on Conventions Nos. 29 and 135; New Zealand: New Zealand Employers' Federation on Conventions Nos. 81 and 105; Norway: Confederation of Trade Unions on Convention No. 100; Norwegian Employers' Federation on Convention No. 154; Norwegian Oil Workers Federation on Conventions Nos. 87 and 98; Norwegian Shipmasters Association on Convention No. 9; Norwegian Shipping and Offshore Federation on Conventions Nos. 9, 68 and 145; Portugal: Confederation of Portuguese Industry on Conventions Nos. 17 and 89; General Confederation of Portuguese Workers (CGTP-IN) on Conventions Nos. 100 and 122; Spain: General Workers' Union on Conventions Nos. 81, 129 and 148; Spanish Confederation of Employers' Organisations on Conventions Nos. 20 and 148; Sri Lanka: Democratic Workers' Congress on Convention No. 131; Employers' Federation of Ceylon on Convention No. 29; Switzerland: Swiss Workers' Union on Conventions Nos. 88 and 100; United Kingdom: Indian Workers' Association on Convention No. 122; Trades Union Congress (TUC) on Conventions Nos. 81, 100, 147, 148, and 151.

In addition, observations have been received from the International Federation of Plantation, Agricultural and Allied Workers on the application of Convention No. 107 in India; from the Public Services International and the World Confederation of Organisations of the Teaching Profession on the application of Conventions Nos. 87 and 98 in Japan; from the International Confederation of Free Trade Unions and the World Confederation of Labour on the application of Convention No. 87 in Poland; and from the World Federation of Trade Unions on the application of Conventions Nos. 81 and 95 in Portugal.

¹ Argentina: Manufacturers' Union; Austria: Austrian Confederation of Trade Unions; Brazil: National Confederation of Road Transports, National Confederation of Industry; Finland: Central Organisation of Finnish Trade Unions (SAK), Confederation of Salaried Employees (TVK), Confederation of Technical Employees' Organisations, Employers Confederation of Service Industries (LTK), Finnish Employers' Confederation (STK); New Zealand: New Zealand Employers' Federation; Norway: Confederation of Trade Unions in Norway; Portugal: Confederation of Portuguese Industry, General Union of Workers.

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

113. The Committee notes that, of the comments received this year, 58 were transmitted directly to the ILO, which, in accordance with established practice, referred them to the governments concerned for comment. In 91 cases the governments transmitted the comments of the organisations with their reports, sometimes adding their own comments. Part Two of this Report contains the Committee's observations on cases where the comment raised an issue concerning the application of ratified Conventions.

114. The Committee had to postpone the examination of a number of comments 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.

115. 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 the comments received have touched on a wider array of Conventions than in preceding years: the right to organise and the right to collective bargaining, forced labour, equal remuneration, discrimination, labour inspection, minimum age, employment policy, protection of wages, night work, and so forth.

V. REPORTS ON RATIFIED CONVENTIONS (Articles 22 and 35 of the Constitution)

Supply of reports

116. The Committee's principal task consists of 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.

117. 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 1985, were due to be examined this year in respect of 38 Conventions.¹ In addition, detailed reports were also requested from certain governments on other Conventions, in accordance with the criteria for more frequent reporting approved by the Governing Body and set out in paragraph 38 of the Committee's 1977 report.

¹ Conventions Nos. 2, 4, 6, 12, 17, 18, 29, 41, 42, 45, 50, 64, 65, 79, 81, 85, 86, 88, 89, 90, 100, 104, 105, 108, 121, 127, 129, 135, 141, 147, 148, 149, 151, 154, 155, 156, 158, 159.

Reports requested and received

118. A total of 1,666 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, 1,312 of these reports had been received by the Office. This figure corresponds to 78.7 per cent of the reports requested, compared with 77 per cent last year. The Committee regrets that, as indicated in paragraph 129 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.

119. In addition, 285 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, 227 reports, or 79.6 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.

120. Apart from the above-mentioned reports, 31 governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review: Australia, Barbados, Belgium, Burundi, Canada, Chad, Colombia, Congo, Cyprus, Gabon, German Democratic Republic, Ireland, Libyan Arab Jamahiriya, Malawi, New Zealand, Norway, Poland, Rwanda, Saudi Arabia, Seychelles, Singapore, South Africa, Sri Lanka, Suriname, Switzerland, Turkey, Uganda, United Arab Emirates, United Kingdom, United States, Australia (Norfolk Island).

121. 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 and information in order to enable the Committee to fulfil its task.

Compliance with reporting obligations

122. 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, 27 governments have not complied with their obligation to supply reports on ratified Conventions. Thus, all or the majority of the reports due this year have not been received from the following countries: Burkina Faso, Central African Republic, Côte d'Ivoire, Djibouti, Grenada, Guinea-Bissau, Islamic Republic of Iran, Jamaica,

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Jordan, Democratic Kampuchea, Kenya, Lao People's Democratic Republic, Liberia, Madagascar, Mexico, Niger, Pakistan, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Trinidad and Tobago, Venezuela, Zambia. No reports have been received for the last two years from the following countries: Dominica, Lebanon, Qatar.

123. 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

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

125. The Committee observes that on 15 October 1985 the proportion of reports received was 11.3 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 1985.

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

Supply of first reports

127. A total of 76 first reports on the application of ratified Conventions were received by the time the Committee's session opened. However, a number of countries have failed to supply first reports,

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 1983: Nicaragua (Conventions Nos. 110, 141), Denmark: Faeroe Islands (Convention No. 27); since 1984: Guinea (Conventions Nos. 149, 152), Venezuela (Conventions Nos. 102, 121, 122, 130). 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

128. 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 33 governments contacted in this way, only 10 have sent the information requested.

129. 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 127 cases,¹ by comparison with 154 last year and 164 the previous year. The Committee is therefore obliged to repeat the observations or direct requests already made on the Conventions in question.

¹ Afghanistan (Conventions Nos. 105, 137, 139, 141), Burkina Faso (Conventions Nos. 6, 17, 18, 81, 100, 129), Central African Republic (Conventions Nos. 17, 18, 29, 41, 81, 88, 100, 105), Democratic Yemen (Conventions Nos. 29, 98, 105), Denmark (Faeroe Islands: Conventions Nos. 8, 9, 16, 105, 126), Djibouti (Conventions Nos. 17, 18, 29, 35, 37, 38, 81, 88, 100, 105, 108), Dominica (Conventions Nos. 29, 105), Grenada (Conventions Nos. 81, 105), Guinea-Bissau (Conventions Nos. 6, 12, 17, 18, 29, 81, 88, 89, 100, 104, 105, 108), Islamic Republic of Iran (Conventions Nos. 29, 111), Jordan (Conventions Nos. 29, 105, 119, 135, 142), Kenya (Conventions Nos. 98, 129, 131, 132, 135, 137, 138, 141, 142, 143), Lao People's Democratic Republic (Conventions Nos. 4, 6, 29), Liberia (Conventions Nos. 55, 65, 104, 108, 147), Madagascar (Conventions Nos. 29, 81, 87, 111, 120, 122, 127, 129, 132), Mauritania (Conventions Nos. 29, 81, 87, 102, 122), Qatar (Convention No. 81), Saint Lucia (Conventions Nos. 17, 29, 50, 64, 65, 98, 105), Somalia (Conventions Nos. 22, 29, 105), Syrian Arab Republic (Conventions Nos. 81, 88, 129, 139), Trinidad and Tobago (Conventions Nos. 29, 105, 125), United Kingdom (Anguilla: Conventions Nos. 17, 94, 108), Venezuela (Conventions Nos. 22, 29, 81, 88).

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130. 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

131. 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 in Plenary Session his preliminary findings on the instruments concerned for discussion and approval.

Observations and direct requests

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

133. 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 1986.

134. 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.

Cases of progress

135. 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 30 instances in which measures of this kind have been taken, in 23 States and 3 non-metropolitan territories. The full list is as follows:

<u>Countries</u>	<u>Conventions Nos.</u>
Algeria	3
Angola	1
Argentina	105
Belgium	102
Burkina Faso	87
Burundi	89
Cuba	52
France	118
Greece	147
Guatemala	105
Guyana	100
Honduras	27
Iceland	29
Iraq	15
Libyan Arab Jamahiriya	81
Netherlands	100, 111
Nicaragua	17
Norway	100, 129, 156
Poland	42
Sweden	143
Switzerland	81
Turkey	118
Yugoslavia	81, 129

Non-metropolitan territories

France

New Caledonia	19
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United Kingdom

Falkland Islands (Malvinas)	17
Hong Kong	17

136. 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 1,630 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

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conformity with the provisions of the ILO Conventions they have ratified.

137. 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: Egypt (Convention No. 73), Iceland (Convention No. 144), Portugal (Convention No. 95), Sao Tomé and Principe (Convention No. 81).

Practical application

138. 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 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 of the annual reports of labour inspection services, statistical year books 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.

139. The following countries have provided information on practical application in more than half the reports concerned: Argentina, Australia, Austria, Belgium, Belize, Burundi, Canada, Chile, Cyprus, Denmark, Egypt, Ethiopia, Finland, France, Federal Republic of Germany, Greece, Guyana, Iceland, India, Iraq, Ireland, Israel, Italy, Japan, Mauritius, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Rwanda, Spain, Sri Lanka, Suriname, Sweden, Switzerland, United Kingdom, Uruguay, Yemen.

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

141. The Committee welcomes the positive reply to the appeal it made to this effect last year, and notes with interest that, as in 1982, almost 52 per cent of the reports supplied on the Conventions in respect of which information was particularly requested on their practical application contained such information. This percentage, which is the highest ever reached, reflects real progress over past years.

142. Direct requests 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.

143. 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. Thirty-five 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.

144. The Committee wishes to recall that, under the provisions of many international labour Conventions, measures must be taken to ensure the observance of these Conventions by means of administrative, civil or penal sanctions. In the case of various other Conventions, similar measures may prove necessary in order to make their provisions effective and thus to meet the obligations assumed upon ratification under the terms of article 19 of the ILO Constitution. The Committee has noted that the legislative provisions governing these matters are often inadequate because the sanctions laid down do not have a sufficiently dissuasive effect. The Committee therefore draws attention to the importance of establishing effective sanctions and of adapting monetary penalties, particularly in countries with high rates of inflation, in order to ensure that they exert an effective preventive influence against acts contrary to the guarantees laid down by international labour Conventions. The Committee would be glad if governments would indicate in their reports the measures taken periodically to examine the need to adapt monetary penalties in the light of inflation.

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

145. 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 instrument, adopted at the 70th (1984) Session of the Conference: the Employment Policy (Supplementary Provisions) Recommendation (No. 169), 1984.
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from

¹ ILO: Summary of information on the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference, Report III (Part 3), International Labour Conference, 72nd Session, Geneva (1986).

its 31st (1948) to its 69th (1983) Sessions to the competent authorities (Conventions Nos. 87 to 159 and Recommendations Nos. 83 to 168);

(c) replies to observations and direct requests made by the Committee in 1985.

70th Session

146. The Committee notes with interest that the Governments of the following 57 member States have indicated that they have submitted to the authorities considered by them to be competent the instrument adopted by the Conference at its 70th Session: Algeria, Australia, Bahrain, Barbados, Benin, Bulgaria, Burundi, Byelorussian SSR, Cameroun, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Czechoslovakia, Ecuador, Egypt, Fiji, Finland, France, Gabon, German Democratic Republic, Greece, Guatemala, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Israel, Japan, Jordan, Kuwait, Luxembourg, Madagascar, Malaysia, Mali, Mongolia, Mozambique, New Zealand, Nicaragua, Niger, Nigeria, Norway, Poland, Rwanda, Saudi Arabia, Sweden, Switzerland, Togo, Turkey, Ukrainian SSR, United Kingdom, United States, Yugoslavia.

31st to 69th Sessions

147. 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: Fiji (64th to 70th Sessions), Guinea-Bissau (numerous instruments adopted from the 63rd to the 69th Sessions), Ireland (62nd to 65th Sessions), Kenya (numerous instruments adopted from the 64th to the 68th Sessions), Libyan Arab Jamahiriya (numerous instruments adopted from the 64th to the 69th Sessions), Syrian Arab Republic (numerous instruments adopted at the 58th and from the 63rd to the 69th Sessions).

148. 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 70th Sessions of the Conference.

General aspects

149. The Committee notes with concern, however, that a number of countries are late - sometimes very late - 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.

150. 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 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. Governments however remain entirely free to propose 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

151. 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.

152. 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.

153. The Committee wishes to point out once more the importance of the communication by governments of the information and documents called for in points II and III of the questionnaire in the Memorandum adopted by the Governing Body. Some countries do not communicate the information and documents in question. The Committee trusts that the governments concerned will take suitable measures to comply with the Memorandum on submission to the competent authorities.

Special problems

154. 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 (64th to 70th) have in fact been submitted to the competent authorities: Bolivia, Botswana, Brazil, Chad, Islamic Republic of Iran, Malawi, Mauritius, Seychelles, Sierra Leone, Tunisia.

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

155. The Committee was informed at its 51st Session that the countries of the European Communities had submitted to the competent authorities of the Communities 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. Since then, consultations have commenced with the social partners in the countries concerned, at the suggestion of the Commission of the European Communities, on the advisability of ratifying and accepting these instruments. At its 54th Session the Committee was informed of the results of certain of these consultations, which disclosed widely differing attitudes. The Committee notes from the new information provided this year that in some cases these results have already been brought to the attention of the Commission of the European Communities. Other countries have not indicated whether they have done so, while still others have stated that they have not yet engaged in this consultation. The Committee hopes that the governments concerned will provide information on the implementation of this procedure and on any decisions which may have been made on this subject.

VII. INSTRUMENTS CHOSEN FOR REPORTS UNDER ARTICLE 19
OF THE CONSTITUTION

Reports requested on an unratified Convention and Recommendation

156. 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 Equal Remuneration Convention, 1951 (No. 100) and Recommendation, 1951 (No. 90).

157. Of a total of 193 reports requested, only 140 have been received.¹ This represents 72.5 per cent of the reports requested.

158. More particularly, the Committee notes with regret that the Governments of Guinea, Mauritania, Saint Lucia and Seychelles, 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.

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

General Survey

160. Part Three of this report (issued separately as Report III (Part 4B)) contains the General Survey of the Committee on the matters

¹ ILO: Summary of reports (articles 19, 22 and 35 of the Constitution), Report III (Parts 1, 2 and 3), International Labour Conference, 72nd Session, 1986.

dealt with by the instruments in question. In accordance with the established practice of the Committee, this survey covers the situation in countries which have ratified the Equal Remuneration Convention, 1951 (No. 100), as well as the situation in countries not parties to the Convention which have reported under article 19 of the Constitution. In accordance with the practice followed in previous years, it has been prepared on the basis of a preliminary examination by a working party comprising three members of the Committee, appointed by it.

* * *

161. 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, 19 March 1986

(Signed) Sir Adetokunbo Ademola,
Chairman.

E. Razafindralambo,
Reporter.

PART TWO

**OBSERVATIONS CONCERNING PARTICULAR
COUNTRIES**

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

A. GENERAL OBSERVATIONS

Albania

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

In the absence of any information from the Government, the Committee is unable to ascertain to what extent effect is now given to the Conventions by which Albania remains bound (Nos. 5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 79, 87, 98, 100 and 112).

Antigua and Barbuda

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.

Central African Republic

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

Dominica

The Committee notes with regret that the reports due have not been received. It trusts that the Government will not fail in future

to discharge its obligation to report on the application of ratified Conventions.

Guinea

The Committee notes that although most of the reports due have been received, the Government has not supplied, for the second consecutive year, two first reports due on Conventions Nos. 149 and 152. 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.

Guinea-Bissau

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

Jamaica

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.

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 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.

Lebanon

The Committee refers to the comments that it made in previous years concerning the application of ratified Conventions. It hopes that appropriate measures can be taken to ensure the full application of these Conventions as soon as national circumstances make it possible and that the Government will supply with its reports information on any developments in this respect.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Nicaragua

The Committee notes that although most of the reports due have been received, the Government has not supplied, for the third consecutive year, two first reports due on Conventions Nos. 110 and 141. 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.

Niger

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

Pakistan

The Committee refers to its previous observations and to the information supplied by the Government on the question of application of Conventions in export processing zones. The Government has mentioned in particular the need to exempt export processing zones from certain labour laws, in order to promote export-oriented industries and to attract foreign capital investment. The Committee, while understanding the Government's economic motivation, can only reiterate that ratified Conventions must be applied to all workers in any part of the national territory. It again requests the Government to provide a detailed report on the manner in which Conventions Nos. 1, 4, 6, 14, 18, 19, 27, 32, 45, 59, 81, 87, 89, 90, 98, 106 and 118 are applied in export processing zones and also the text of the instructions issued by the Export Processing Zone Authority to employers concerning wages and other conditions of work, previously mentioned by the Government.

Papua New Guinea

The Committee notes that most of the reports due have not been received. Following a statement made by a government representative to the Conference Committee in 1985 to the effect that the failure to supply reports was due to the illness of the officer in charge of ILO matters, the Government has indicated that it has now taken the necessary measures to enable it to discharge its obligation in this respect. The Committee therefore trusts that the Government will be in a position to supply regularly all the reports due on the application of ratified Conventions.

Qatar

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.

Senegal

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.

South Africa

1. The Committee refers to its previous general observation concerning reports received on the Conventions by which South Africa remains bound although it withdrew from the ILO in 1964, namely Conventions Nos. 2, 19, 26, 42, 45, 63 and 89. The Government has again supplied reports on all these Conventions. As not all these reports were due this year, the Committee has examined only one of them, and will deal with the others at the appropriate time. Its examination has, as previously, been carried out in the light of the updated Declaration concerning the Policy of Apartheid in South Africa adopted by the International Labour Conference in 1981, which requests that the existing ILO procedures be used to attain the objectives assigned to the ILO under its Programme for the Elimination of Apartheid.

2. With respect to the application of ratified Conventions in all parts of the country, including the areas of Transkei, Bophuthatswana, Venda and Ciskei (the so-called "independent homelands" or "bantustans") and those regarded as self-governing, the Committee notes that, where the Government has included any information on them in its reports it has referred to them as separate from the rest of the country. As the Committee has pointed out previously, all of these areas were covered by the ratifications of each of these Conventions, which still apply to them.

3. The Committee has noted the indications in the Special Report of the Director-General to the 71st Session of the Conference (1985) on the Application of the Declaration concerning the Policy of Apartheid in South Africa (page 4), that whilst racial connotations have been removed from certain labour laws and regulations, control over the Black labour force and its trade unions is now applied through security legislation, influx control and the "homelands" system. It also notes the statement in that report that constitutional alienation which prevents access to social and economic improvement, and control through the division of the Black population, backed by security legislation, are just as incompatible with international labour standards as were the overt racial features of the old legislation. The practical application of these standards is the measure of their fulfilment rather than superficial change and official assurances.

4. The Committee insists once again that the Government should give full effect to the obligations undertaken when the Conventions

were ratified; that in all future reports on ratified Conventions it should indicate the position throughout the entire national territory as defined in paragraph 2 above; and that it should provide full information on all other implications of the policy of apartheid relevant to the application of these Conventions, both in the so-called "homelands" and in other areas of the country.

Venezuela

The Committee notes that most of the reports due including four first reports which have been due for two years (Conventions Nos. 102, 121, 122 and 130) 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: Bahamas, Barbados, Brazil, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Côte d'Ivoire, Cuba, Djibouti, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Haiti, Honduras, Hungary, Islamic Republic of Iran, Jordan, Kenya, Lao People's Democratic Republic, Liberia, Madagascar, Malawi, Malta, Mauritania, Mexico, Nicaragua, Pakistan, Paraguay, Romania, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Somalia, Syrian Arab Republic, Trinidad and Tobago, Tunisia, USSR, Venezuela, Zambia, Zimbabwe.

B. INDIVIDUAL OBSERVATIONS

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

Angola (ratification: 1976)

Further to its previous comments, the Committee notes with satisfaction the adoption of Decree No. 61 of 3 August 1982 to regulate hours of work, issued under the General Labour Act of 24 August 1981.

Kuwait (ratification: 1961)

1. Private sector

Articles 1 and 2 of the Convention. The Committee notes that the draft Labour Law to which reference has been made for many years has still not been adopted. This new law would cover temporary workers and workers in small undertakings, who do not come within the scope of the Labour Law of 1964, at present in force. The Committee

hopes that the new law will be adopted shortly and that it will give full effect to these provisions of the Convention.

Article 6, paragraphs 1(b) and 2. The Committee notes the explanations provided by the Government with regard to authorised overtime. It nevertheless reiterates the opinion it has already expressed that the fixing of a daily limit of two hours of overtime to deal with exceptional cases of pressure of work foreseen under Section 34 of the Labour Law (Private Sector) of 1964 and Section 10 of the Labour Law (Petroleum Sector) No. 28 of 1969 does not suffice to give effect to these provisions of the Convention. There should also be a yearly maximum in order to respect the spirit in which the Convention was drafted and avoid excessive recourse to overtime. The Committee requests the Government to indicate in its next report any progress made in this direction.

2. Public sector

Article 6, paragraphs 1(b) and 2. The Committee takes note of Ministerial Order No. 34 of 1977 with respect to overtime in the public sector. It observes, firstly, that this Order does not determine the temporary exceptions that may be allowed to enable public undertakings to deal with exceptional cases of pressure of work and, secondly, that it does not impose any limit on the number of hours of overtime that may be authorised. Section 3 of the 1977 Order allows for the possibility of working more than two hours of overtime per day without setting any limit. The Committee requests the Government to take the necessary steps to give effect to these requirements of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Canada, Egypt, Guinea-Bissau, India, Libyan Arab Jamahiriya, Portugal, Saudi Arabia.

Convention No. 2: Unemployment, 1919

South Africa (ratification: 1924)

The Committee refers to its general observation and to its previous direct requests on this Convention. Noting that the Government's report does not contain substantive new elements in reply to its previous comments, the Committee asks the Government to furnish detailed information on the following points:

Article 1 of the Convention. The Committee has noted that the statistical information provided by the Government presented figures for the unemployed in racial categories. It would be grateful if in its next report the Government would give all available information, statistical and otherwise, concerning unemployment in the whole of the national territory, including the areas of Transkei, Bophuthatswana,

Venda and Ciskei, and details of any measures taken or contemplated to combat it.

Article 2(1). (a) The Committee notes the information concerning the network of free public employment agencies under the Guidance and Placement Act 1981 (GPA), which is now in force. It understands that the Black Labour Act, 1964, referred to in a previous direct request, has been repealed by the Aliens and Immigration Laws Amendment Act, 1984. However, it appears that the effect of the Blacks (Urban Areas) Consolidation Act, 1945, and the new legislation continues to be to limit the access of "Black" workers to these free employment agencies, in so far as they have no residential rights in the particular areas covered by the agencies. At the same time, it appears that people in rural or so-called "homeland" areas must register at Black Administration (Development) Board Offices in order to qualify for "requisition" work in those urban areas. The report also refers to placement services offered by magistrates' offices on behalf of the Department of Manpower. The Committee hopes the Government will clarify the nature of the system of public employment agencies operating in all parts of the country, in terms of the requirements of the Convention; indicate whether there are free agencies throughout the country which are under the control of a central authority; and give a general account of the working of the system throughout all areas of the country. (b) Please indicate whether a system of advisory committees including representatives of employers and workers has been formed to advise on the operation of the public employment agencies (for example under GPA sections 9 to 14) and, if so, indicate the membership of the committees.

Article 3. The Committee notes the information provided in the report concerning internal arrangements among the authorities in different areas of the country for co-operation relating to unemployment insurance. It requests the Government to describe any arrangements made or envisaged to ensure that non-national workers working in South Africa are admitted to the same rates of unemployment insurance benefit as South African workers, in accordance with this Article.

* * *

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

Convention No. 3: Maternity Protection, 1919

Algeria (ratification: 1962)

The Committee takes note of Decree No. 82-302 of 11 September 1982, concerning the application of the legal provisions relating to individual employment relationships, and Act No. 83-11 of 2 July 1983 concerning social insurance. It notes with satisfaction that this legislation gives effect to the following provisions of the Convention

which were the subjects of earlier comments: Article 3, subparagraphs (a) and (b): length of maternity leave; Article 3, subparagraph (c): medical care and maternity benefits; Article 3, subparagraph (d): breaks for nursing; Article 4: prohibition of dismissal during the period of maternity leave.

Colombia (ratification: 1933)

Article 3 (a), (b) and (c) of the Convention. The Committee has examined the information supplied by the Government to the Conference Committee in June 1985 in reply to earlier observations concerning the duration of maternity leave and of the period during which benefits are paid. While noting the explanations provided by the Government respecting the reasons that make it unnecessary in practice to include in the draft text to amend section 236 of the Labour Code provisions rendering compulsory a post-natal leave of six weeks and the extension of the period during which maternity benefit is paid beyond 12 weeks where confinement occurs after the presumed date indicated in the medical certificate, the Committee considers it necessary to raise the question once more. It therefore hopes that the Government will not fail to take the necessary measures to amend this draft text in conformity with the Convention. The Committee further hopes that corresponding amendments will be introduced to section 16 (b) of Decree No. 770 of 1975 respecting sickness and maternity insurance and to the provisions applying to women workers in the public sector under section 33 of Decree No. 1848 of 1969. Lastly, the Committee hopes that the above-mentioned amendments may be adopted in the very near future to ensure the application of these basic provisions of the Convention.

The Committee also asks the Government to state in its next report whether new extensions to the social security scheme have occurred during the period covered by that report.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Venezuela (ratification: 1944)

The Committee has examined the information supplied by the Government in its report and would like to point out the following:

Articles 1 and 3 (c) of the Convention (coverage of the social security scheme). In its earlier comments, the Committee has pointed out that certain classes of women workers referred to in the Convention are not covered by maternity insurance since the social security scheme does not apply to all workers or to all regions of its territory. The Committee has therefore expressed the hope that the extension of this scheme might take place rapidly so that women employed in industrial and commercial establishments, whether private or public, including public servants and public employees, may enjoy to the full the protection provided for by the Convention. In its latest report, the Government provides no information on any progress made in this field.

With regard in particular to women public servants and public employees protected by the Convention, the Government states that there are certain social insurance institutions which provide medical care for maternity or reimburse the expenses occasioned on that account and that women workers not covered by insurance may also go to the state hospitals. The Committee takes note of this and hopes that the above-mentioned extension of the maternity insurance scheme may take place in the near future and that the Government will be able to indicate the progress made in this connection.

Article 3 (d) (breaks for nursing for women public servants or public employees). The Committee asks the Government, as it has already done in the past, to indicate the provision under which women public servants or public employees not covered by section 117 of the Labour Act referred to by the Government are entitled to breaks in work for the purpose of nursing, as laid down by this provision of the Convention.

Article 4 (prohibition of the dismissal of women public servants and public employees). With reference to its earlier comments, the Committee has examined with interest the judgement of the First Administrative Tribunal dated 8 December 1983, communicated by the Government with its report, which extends to women employed in the public administration the right to protection from dismissal on account of pregnancy. The Committee hopes that the Government will have no further difficulty in giving statutory force to this precedent, for example by inserting in the legislation on administrative careers a provision laying down that it is illegal to give a woman worker in this category notice of dismissal during her absence on maternity leave or during the extension of this leave in the event of delayed confinement or of illness arising out of pregnancy or confinement or at such a date that notice of dismissal would expire during the above-mentioned absence.

* * *

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

Convention No. 4: Night Work (Women), 1919

Nicaragua (ratification: 1934)

In its previous comments, the Committee pointed out that the national legislation contained no provision prohibiting the employment of women during the night. The Government indicated, in a previous report, that there was a general consensus against the adoption of provisions in this respect which would be discriminatory towards women. The Committee notes, according to the last report, that consultations were being held with women's organisations and trade-union organisations with a view to ratifying Convention No. 89,

which is more flexible. It requests the Government to report all developments in this field.

* * *

In addition, a request regarding certain points is being addressed directly to Lao People's Democratic Republic.

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

India (ratification: 1955)

The Committee takes note of the information supplied by the Government in reply to its previous observation concerning the employment of children below statutory minimum age in certain industries in India. In particular, the Government refers to various decisions based on official reports on child labour (Harbans Singh Report, 1976 and Gurupadaswamy Report, 1979). These decisions aim, inter alia, at ensuring that the relevant Acts relating to the employment of children are strictly enforced and at improving the working conditions of children, including measures to shift factories to the villages to avoid transport of children over long distances, to devise a scheme of incentives to attend school, and to raise minimum wages, and other welfare measures. The Government states that in the present stage of the country's development it would not be feasible nor opportune to prevent children from working and that it is making constant efforts to improve the working conditions of children who work because of the economic situation of their parents. The Government also indicates that the Labour Ministers of Gujarat, Tamil Nadu, Uttar Pradesh and West Bengal have established a special group to examine (i) the raising of the minimum age for entry into employment, and (ii) the need for comprehensive legislation on the employment of children. The group intends to visit areas where there is a concentration of child labour and its final recommendations are expected to be submitted to the Government shortly. In addition, the Central Advisory Board of Child Labour has been set up under the chairmanship of the Union Minister of Labour to carry out constant surveillance on the problems of child labour.

The Committee also notes the observations made by the Centre of Indian Trade Unions (CITU) referring to the need of reviewing the exemption made under Article 6 of the Convention regarding India so as to determine whether it should be discontinued, and to the violations of the Indian legal and Constitutional provisions on child labour. The CITU calls for positive steps to improve the conditions of child labour in India. In respect of the observations made by the CITU, the Government refers to the above information supplied in its report.

The Committee hopes that the Government will continue its efforts to ensure the effective observance of the relevant statutory provisions. It requests the Government to continue to supply information on the measures taken in the field of child labour and, in particular, on any measures taken or envisaged as a result of the work of the special group referred to above.

Singapore (ratification: 1965)

Article 2 of the Convention. For a number of years, the Committee has requested the Government to harmonise its legislation with the Convention by amending the Employment (Amendment) Act, 1975 and section 4 of the Employment of Children and Young Persons Regulations, 1976, which authorise the employment of children above 12 in industrial undertakings with the written permission of the Commissioner for Labour, and their engagement as apprentices. In its report, the Government states that existing legislation provides adequate safeguards to check abuse in the employment of children under 14 in industrial undertakings, but, nevertheless, the Government will continue to monitor the situation and review the laws governing the matter.

The Committee hopes that the Government will take the necessary steps in the near future to bring this legislation into full conformity with the Convention.

[The Government is asked to report in detail for the period ending 30 June 1986.]

* * *

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

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

Requests regarding certain points are being addressed directly to the following States: Algeria, Belgium, Burkina Faso, Chad, Chile, Guinea-Bissau, Lao People's Democratic Republic, Portugal.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920Singapore (ratification: 1964)

The Committee takes note with interest of the statement by the Government to the effect that the Merchant Shipping (Amendment) Act, 1984, received presidential assent in November of the same year and that it will come into operation as soon as the accompanying regulations are finalised. The Committee hopes that this Act will, in conformity with the Convention, extend to masters the right to unemployment indemnity granted to seamen under section 77 of the Merchant Shipping Act. It asks the Government to furnish a copy of the Act of 1984 and of the regulations issued under it as soon as they come into force.

* * *

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

Convention No. 9: Placing of Seamen, 1920

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

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

Poland (ratification: 1924)

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

* * *

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

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

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

Colombia (ratification: 1933)

In its earlier comments, the Committee pointed out to the Government that it was necessary, while the scope of the social security scheme was being extended to cover the whole national territory, that the necessary measures should be adopted to amend the Labour Code so as to give full effect to the Convention, since the conditions of compensation provided for by the Code are inferior to those of the compulsory social security scheme. The Government states in its report that the reform of the Labour Code is proceeding slowly but that it considers agricultural workers to be benefiting rapidly from the extension of the services of the Institute of Social Security. It adds that two of the priority objectives of the authorities are to unify the social security schemes and to extend compulsory social insurance to cover the whole population. The Committee takes note of this information and, in particular, notes with interest the objectives of unifying the social security schemes and extending compulsory social insurance to cover the whole population. Nevertheless, it cannot but emphasise once more the necessity of adopting measures, so long as these aims have not been achieved, to amend the provisions of the Labour Code so that all agricultural workers shall enjoy the protection provided for by the Convention.

Nicaragua (ratification: 1934)

1. The Committee notes with interest the Government's statement that the plan for the extension of social security to rural areas has been approved with effect from June 1984 and that, in the first stage, all workers who work in public or private enterprises or work centres keeping at least one permanent worker throughout the year are being covered, whether they are permanent or temporary and irrespective of the activity they carry on in rural areas. The Committee also notes that by virtue of Decision No. 12 of 30 August 1985, all employed workers who work in undertakings having one or more permanent workers must be registered with immediate effect, whether they are permanent or temporary and irrespective of the activities they carry on in rural areas. The Committee would be grateful if the Government would continue to provide information on the extension to all agricultural wage earners of the benefit of the social security laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment, in accordance with Article 1 of the Convention.

2. The Committee notes that no decision has yet been taken regarding the draft text prepared in 1981 with the assistance of the Office to repeal section 103 of the Labour Code (under which the judge may reduce the compensation due to injured workmen employed in small agricultural undertakings). The Committee hopes that it will be possible to repeal this provision of the Labour Code in the near future in order to grant agricultural wage earners the same benefits as those granted to other wage earners, in accordance with the Convention.

Rwanda (ratification: 1962)

In its reply to the earlier comments of the Committee, the Government repeats the information provided before, namely that the revision of the Labour Code now under way will entail extending the scope of the Legislative Decree of 22 August 1974 (organising social security) to agricultural workers and that an order, referred to in the last subsection of section 2 of the above-mentioned Legislative Decree, is to be adopted to extend the scope of this text to day labourers and temporary workers in agriculture. The Committee nevertheless observes that there has been no progress in the revision of the Labour Code.

The Committee, accordingly, can only express once again the hope that these provisions will be adopted rapidly.

* * *

In addition, requests regarding certain points are being addressed directly to Brazil, Guinea-Bissau, Malaysia.

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

The Committee notes the information supplied by the Government in reply to its previous observation. It notes in particular that the draft new Labour Code is awaiting approval by the Revolutionary Council and that, when approved, it will embody the necessary provisions for implementing international labour standards, particularly those ratified by Afghanistan. According to the report, pending the adoption of the new Labour Code, the Council of Ministers has issued instructions to various government departments to examine the necessary safeguards against the hazards of white lead, which will shortly be embodied in laws and regulations giving effect to this Convention. The Committee hopes that the new Labour Code and the regulations under it will be adopted soon with a view to ensuring full application of the Convention.

Algeria (ratification: 1962)

Following its earlier observations, the Committee notes from the Government's report that a series of basic texts and regulations relating to workers' health to give effect to the provisions of the Convention have still not been adopted due to other priorities in legislative work in the field of labour. It notes the Government's statement that the legislation which formerly gave effect to the Convention continues to be applied in practice although it has been repealed. The Committee therefore once again expresses the hope that these basic texts and regulations, to which the Government has been referring for several years now, will be adopted very soon to ensure the application of the Convention. It also hopes that copies of the adopted texts will be attached to the next report.

[The Government is asked to report in detail for the period ending 30 June 1986.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Belgium, Cuba, Lao People's Democratic Republic.

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

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

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

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

Iraq (ratification: 1966)

Further to its previous comments, the Committee notes with satisfaction that Regulation No. 3 of 1986 prohibits the employment of young persons under 18 years of age on board vessels as trimmers or stokers, in accordance with Article 2 of the Convention.

* * *

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

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

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

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

Burma (ratification: 1956)

The Committee takes note of the information supplied by the Government in its report. It regrets to observe that there has been no progress in the adoption of the draft amendments to the Workmen's Compensation Act, 1923, which the Government has been referring to since 1967. The Committee can therefore only express once again the hope that the draft amendments will be adopted shortly and that they will provide:

- (a) in accordance with Article 5 of the Convention, that the compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury shall be paid in the form of periodical payments, provided that it may be wholly or partially paid in a lump sum if the competent authority is satisfied that this will be properly utilised;
- (b) in conformity with Article 10, that no maximum amount shall be fixed for the supply and normal renewal of such artificial limbs and surgical appliances as are recognised to be necessary.

The Committee asks the Government to report any progress made in the adoption of the above-mentioned draft amendments.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Colombia (ratification: 1933)

Article 2 of the Convention. The Committee takes note of the information provided by the Government to the Conference Committee in

June 1985 and in its report. In particular, the Committee notes with interest the information concerning the municipalities in which the Social Security Institute provides services, the towns in which workers are protected by the compulsory social insurance scheme and the contingencies covered by the Social Security Institute. The Committee also notes that, in view of the recent extension of compulsory social insurance, it is not yet possible to supply detailed statistics on the persons protected by this scheme, but that these statistics will be furnished to the ILO as they become available.

In reply to the comments of the Committee, the Government states that, although it is aware of the need to amend sections 222, 223 and 224 of the Labour Code so that no worker shall be excluded from occupational accident benefits, various reasons beyond its control have prevented the Commission for the Revision of the Labour Code from completing the corresponding reforms. The Government adds that the present administration considers that the necessary studies must be pursued in the Social Security Institute to establish its capacity, without losing sight of that of the small employers, to accept responsibility for the risks of the categories of workers excluded by the provisions of the Labour Code.

On the other hand, the Government emphasises the progress made by the social security scheme since the time when the Convention was ratified and also the fact that the efforts carried out to extend the benefits of social security do not give immediate results. It adds that the current studies will result, in the medium term, in the coverage of all categories of workers by state social security.

The Committee notes this information with interest and would point out that it has always been interested in the progress made by the social security scheme. Nevertheless, it can only express once again its concern at the fact that, given the exceptions and restrictions contained in the above-mentioned sections of the Labour Code, protection is not yet available for all the victims of occupational accidents covered by the Convention, which was ratified over 50 years ago. The Committee again expresses the hope that, pending the extension of the social security scheme to the whole national territory, the Government will amend the Labour Code as indicated.

Article 5. In its earlier comments, the Committee pointed out to the Government that the payment of compensation in 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(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. Although the Convention does not fix the amount of compensation (which may correspond only to a certain percentage of the wage), it provides that compensation shall be paid throughout the contingency and allows these periodical payments to be converted into a lump sum if the competent authority is satisfied that it will be properly used.

The Government states in its reply that, in accordance with the study that has been carried out, the proposal will be made in the Executive Committee of the Social Security Institute that, in order to

give effect to the Convention, compensation for occupational accidents must be paid in the case of permanent incapacity in the form of a lump sum, subject to adequate guarantees respecting its use. The Government further states that payment in the form of periodical payments for life is not considered possible because this is excluded by the financial capacity of the Institute and even more by that of the employers, and that it would be even worse for the workers if the Institute assumed an obligation that it was later unable to fulfil.

The Committee takes note of this information and would remind the Government that it has never questioned the conformity of the separate social security legislation in force with the Convention. Decree No. 3170 of 21 December 1964 approving the General Regulations on compulsory social insurance against employment injury provides, like the Convention, for the payment of the compensation due in the case of total or partial permanent incapacity or death in the form of periodical payments for life (section 23); the possibility (section 24) of converting these periodical payments into a lump sum in the case of partial permanent incapacity of between 5 and 20 per cent is in perfect conformity both with the letter and with the spirit of the Convention. The Committee is therefore not at all of the opinion that it is necessary to amend these provisions of the social security legislation. On the other hand, the Committee can only insist once again on the necessity of amending, for the reasons given, section 204(2) of the Labour Code and sections 22, 23 and 35 of Decree No. 3135 of 1968.

Article 7. The Committee notes the intention of the Government to carry out a full and realistic prior study of the financial capacity of the Institute and the employers to assume the payment of the additional compensation due to incapacitated injured workmen who must have the constant help of another person, as laid down by this provision of the Convention. The Committee again expresses the hope that the study will lead to the early adoption of a provision prescribing the payment of this compensation and asks the Government to inform it of any progress made in this connection.

Article 9. With regard to the previous comments of the Committee, the Government states that the National Health Scheme is made up of all the bodies and programmes existing in respect of health and that it is not therefore possible to issue further legal texts governing these, because they form a part of the development plan of the present Government, which is seeking to improve the public health services and to offer medical aid free or at a very low charge to persons of limited resources. The Committee takes note of this statement and points out that, by virtue of this provision of the Convention, medical, surgical, pharmaceutical and hospital aid must be granted, free of cost, throughout the contingency, a requirement not met by the provisions of section 204(1) of the Labour Code, which restricts the granting of this aid to two years. The Committee therefore again expresses the hope that, pending the extension of the social security scheme to the whole national territory, the Government will amend this provision of the Labour Code as indicated.

Article 10. The Committee notes with interest that a proposal will be made to the Social Security Institute to study the possibility of introducing the compulsory renewal of artificial limbs and surgical

appliances in conformity with this provision of the Convention. It expresses the hope that the Government will shortly take the necessary measures to amend both section 204(2) of the Labour Code and section 21(b) of Decree No. 1848 of 1969 issued under Decree No. 3135 of 1968.

Kenya (ratification: 1964)

The Committee takes note of the information supplied by the Government in its report to the effect that there has been some delay in the conclusion of the Social Security Bill, since the Central Organisation of Trade Unions (Kenya) has asked for more time to consider the Bill in greater detail. According to the Government's statement this organisation has not yet submitted its comments.

The Committee hopes that the Bill in question will be adopted in the near future and that it will take into account the earlier comments of the Committee, which were to the following effect:

Article 5 of the Convention. The Social Security Bill provides that permanent incapacity benefits may be paid in the form of periodical payments or of a lump sum. The Committee hopes that the regulations provided for in the Bill will conform to this Article of the Convention, under which compensation in the event of permanent incapacity or death must be paid in the form of periodical payments paid throughout the duration of the contingency and these periodical payments may be converted 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 Social Security Bill provides, like 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 to be issued under the Bill will lay down no maximum in respect of these benefits, as does the 1962 Workmen's Compensation Act (section 32), on which the Committee has been commenting for several years.

Article 11. The Committee asks the Government to state whether the Social Security Bill will introduce a social security scheme ensuring, 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, provided for by the Convention.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Malaysia

Peninsular Malaysia (ratification: 1957)

Article 2 of the Convention. The Committee takes note of the information supplied by the Government in its report. In particular,

it notes with interest that the Social Security Act, 1969, was amended in 1984 to raise the wages ceiling for coverage by the Act to \$1,000. The Committee nevertheless observes that the report says nothing about the extension of the social security scheme to undertakings which employ fewer than five workers. It can therefore only express once again the hope that the Government will adopt the necessary measures to extend the occupational risks branch of the social security scheme to cover all the undertakings to which the Convention applies, so that all workers may be protected, including manual workers whose remuneration exceeds the indicated limit.

Nicaragua (ratification: 1934)

The Committee takes note with satisfaction of the coming into force of the Basic Social Security Act (Decree No. 627 of 1981) and of the General Regulations of the Basic Social Security Act (Decree No. 628 of 1981), which apply the basic provisions of this Convention.

Philippines (ratification: 1960)

With reference to its earlier comments, the Committee notes the information supplied by the Government in its report and wishes to make the following comments:

1. Article 5 of the Convention. The Committee notes that the Government reiterates its past position, according to which if payments for life were to be granted in the case of permanent partial incapacity, the monthly pension would be too low to have any appreciable effect on the worker, but that it will nevertheless study further the feasibility for a life pension. The Committee therefore again expresses the hope that the Government will do everything possible to ensure that any amounts that may be paid in the form of a lump sum will be properly utilised by the persons concerned, as provided by the Convention, in cases where the periodical payments are converted into a lump sum.

2. Article 7. The Committee regrets to note that the actuarial study on the financial implication on the State Insurance Fund announced by the Government has not yet been carried out. It notes that the Employees Compensation Commission (ECC) has deferred consideration of incorporation into the decree of a provision corresponding to that of the Convention due to the fact that the new Employees Compensation Program allows nursing attendance and, consequently, additional compensation for an injured worker whose incapacity requires the constant help of another person. Such nursing services are extensive and constitute constant help within the meaning of the Convention. However, deeply ingrained customs and tradition in the Philippines demand that, when nursing attendance is no longer imperative, family members of the worker under an extended family system immediately and normally insist on caring for the incapacitated worker with minimal external assistance. The Committee notes this information, but would like to point out that such nursing attendance is not sufficient to apply this Article of the Convention.

The Committee therefore expresses the hope that the Government will carry out the above-mentioned actuarial studies with a view to the granting of additional compensation including, to this effect, in the legislation a provision corresponding to that of the Convention.

[The Government is asked to report in detail for the period ending 30 June 1987.]

United Republic of Tanzania (ratification: 1962)

1. Article 5 of the Convention. The Committee notes that the Government is awaiting material assistance from the ILO in regard to facilities, equipment and expertise, and that negotiations are already in progress. The Committee expresses the hope that the Government will do everything possible to ensure, in accordance with this Article of the Convention, that the compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments, provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

2. Articles 9 and 10. The Committee asks again the Government to state whether the term "reasonable expenses", contained in section 31 of the Workmen's Compensation Ordinance, Cap. 263, 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(1) of the Ordinance, as amended.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Uganda (ratification: 1963)

Article 5 of the Convention. The Committee notes with interest the Government's statement that the arrangements for the amendment of the Act to conform with the requirements of the Convention are in advanced stages. The Committee accordingly hopes that the necessary amendments will be made to the Workmen's Compensation Act to ensure the full application of the above-mentioned provision of the Convention, which provides that compensation payable in the event of permanent injury or death shall be paid in the form of periodical payments throughout the duration of the contingency; the conversion of these periodical payments into a lump sum is authorised by the Convention if the competent authority is satisfied that it will be properly utilised.

The Committee hopes that the Government will be able, in its next report, to indicate progress in this connection either through the amendment of the above-mentioned Act or through the introduction of a workmen's compensation insurance system.

United Kingdom (ratification: 1949)

The Committee takes note of the information supplied by the Government in its latest report.

Article 9 of the Convention (free medical, surgical and pharmaceutical aid). The Committee regrets to observe that the Government confines itself to repeating its previous statement to the effect that it is necessary in the present circumstances to maintain the sharing by the victims of occupational accidents in the cost of pharmaceutical products. The Committee can therefore only express once again the hope that the Government will do everything possible to abolish all participation by the victims of occupational accidents in the cost of pharmaceutical prescriptions, in accordance with this provision of the Convention.

The Committee also notes that it is unlikely that the United Kingdom could consider in the foreseeable future ratifying the Employment Injury Benefit Convention, 1964 (No. 121), which contains a more flexible provision on this matter, since the Convention authorises some participation by the persons concerned in, among other things, the cost of pharmaceutical products (Article 11, paragraph 1).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Burkina Faso, Cape Verde, Central African Republic, Comoros, Djibouti, Egypt, Guinea-Bissau, Mexico, New Zealand, Nicaragua, Portugal, Rwanda, Saint Lucia, Sao Tome and Principe, Suriname.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925Burkina Faso (ratification: 1960)

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

The Committee notes the Government's statement to the Conference Committee at its 70th Session (1984), and its report. It notes with regret that the draft Decree worked out in 1980 with the technical assistance of the ILO, which contains the revision of the list of occupational diseases annexed in Act No. 3-59 ACL, of 30 June 1959, has not yet been adopted.

The Committee notes that this draft Decree will be adopted shortly, and trusts that the Government will be able to communicate in the near future the adoption of the necessary measures for the full implementation of this Convention, taking into account its previous comments on Article 2 of the Convention, which referred to the inclusion in the list of occupational diseases of the following items:

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

Central African Republic (ratification: 1960)

The Committee notes that the Government's report has not been received. It notes however the Government's statement to the Conference Committee in 1983, indicating again that a draft decree drawn up as a result of the direct contacts of 1978 had been submitted to the competent authorities for adoption in order to bring the list of occupational diseases appended to Order No. 59-60 of 1959 into conformity with the schedule to Article 2 of the Convention, by deleting the limitative element in the list of pathological symptoms which may be caused by lead poisoning and mercury poisoning and adding, among the kinds of work which may lead to anthrax infection, the operations of "loading and unloading or transport of merchandise" in general.

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

[The Government is asked to report in detail for the period ending 30 June 1986.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Djibouti, Egypt, Guinea-Bissau, Mozambique, Nicaragua, Switzerland.

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

Requests regarding certain points are being addressed directly to the following States: Comoros, Saint Lucia.

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

Requests regarding certain points are being addressed directly to the following States: Bolivia, Colombia.

Convention No. 22: Seamen's Articles of Agreement, 1926Mauritania (ratification: 1963)

Article 9, paragraph 1, of the Convention. In its earlier comments, the Committee pointed out that section 138 of the Merchant Marine and Sea Fisheries Code, which prohibits seamen from leaving the vessel outside a Mauritanian port without the permission of the marine authority, is incompatible with the above provisions of the Convention. It notes that, according to the Government's report, the urgency that is attached to the amendment of section 138, and consequently to the adoption of the draft Ordinance formulated in 1979 with a view to bringing the legislation into line with the Convention, has been pointed out to the Ministry of Fisheries and Maritime Economy, which is the competent authority in this field.

Articles 12 and 14, paragraph 2. The Committee notes that the above Bill also contains an addition to section 138 of the Code intended to give effect to Article 12 of the Convention (circumstances in which the seafarer may demand immediate discharge), and a new paragraph for section 135, intended to give effect to Article 14, paragraph 2 (right of the seafarer to a certificate). The Committee trusts that the draft Ordinance in question will be adopted shortly.

Panama (ratification: 1970)

With reference to its previous observation, the Committee takes note of the statement by a Government representative to the Conference Committee in 1985 to the effect that, since the Bill respecting work in the merchant marine prepared with the assistance of the ILO has not been approved, the competent executive body has decided to issue regulations covering the subject of the Convention, taking into consideration all its provisions. The Committee points out that its earlier comments referred to Article 9, paragraph 1 (possibility for either party of terminating an agreement for an indefinite period 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 (provision to ensure that the seafarer has understood the agreement) and Article 14, paragraph 2 (right of the seafarer 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) of the Convention. The Committee hopes that the Government will shortly be able to communicate the text of the provisions adopted.

Somalia (ratification: 1960)

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

The Committee notes the Government's statement that the Committee of Experts of the Standing Committee of the People's

Assembly was to complete in July 1984 the draft amendments to the Maritime Code, which were to be submitted to the Assembly for adoption before being communicated to the ILO. The Committee therefore trusts that these provisions will soon be adopted and that they will give effect to Article 6, paragraph 3(10)(c), Article 9, paragraphs 1 and 2, and Articles 4, 8, 13 and 14 of the Convention.

Venezuela (ratification: 1944)

The Committee regrets to note that the Government's report has not been received for two years in succession. It must therefore repeat its previous observation which reads as follows:

The Committee notes that, according to the Government, the final draft of the regulations on seafarers' articles of agreement will be in conformity with the requirements of the Convention. The Committee recalls that (i) section 289 of the regulations issued under the Labour Act, which prohibits the termination of an agreement when the vessel is in a foreign port, is contrary to Article 9, paragraph 1, of the Convention; and (ii) there are no provisions in the legislation corresponding to those of Article 8 (measures to enable a seaman to obtain clear information on board as to the conditions of employment), Article 13, paragraph 1 (possibility for a seaman to take his discharge to obtain a post of a higher grade), and Article 14, paragraph 2 (right of a seaman to obtain from the master a certificate as to the quality of his work).

The Committee hopes that the Government will send a report and that it will contain information on the progress made in giving effect to the Convention.

* * *

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

Convention No. 23: Repatriation of Seamen, 1926

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

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

Haiti (ratification: 1955)

The Committee takes note of the information furnished by the Government in its report to the effect that the recommendations contained in the reports of the technical missions carried out by the

ILO in 1980 and 1984, with a view to launching a technical co-operation project in the field of social security, have not yet been put into effect by reason of the important restrictions mentioned in these reports, but that the recommendations have received the attention of the Government and will be considered as soon as the necessary provisions can be adopted to institute a sickness insurance scheme. The Committee hopes that the Government, with the technical assistance of the ILO, will be able in the near future to give effect to the recommendations made in the above-mentioned reports, so that a general sickness insurance scheme complying with this Convention may be instituted gradually. It 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 1987.]

Peru (ratification: 1945)

The Committee takes note of the information furnished by the Government to the Conference Committee in 1985 and in its report, to the effect that the comments of the Committee have been referred to the Peruvian Institute of Social Security so that the national legislation can be fully adapted to the provisions of the Convention.

Article 2, paragraph 1 of the Convention (protected persons). In reply to the earlier comments of the Committee concerning the need to provide medical assistance, in conformity with the Convention, in all the provinces referred to by Presidential Decree No. 002-75-TR of 1975, the Government states that the Peruvian Institute of Social Security (IPSS) has extended medical assistance and has improved these services in the existing medical centres; however, it has not as yet been possible to set up medical centres in all the provinces. Accordingly, more effective use is made of the services of the staff of the Town and Country Marginal Service (SERUM), who come under the IPSS and the Ministry of Health, with steps being taken to avoid unnecessary overlapping. Similarly, with regard to the suggestion that the technical assistance of the Office might be asked for with a view to overcoming the existing difficulties in giving effect to the Convention, the Government states that although it considers that the present actuarial and financial assistance provided by the ILO is sufficient to form a clear idea of the problems in question, it has suggested to the IPSS that it would be well to ask for the technical assistance of the Office. The Committee takes note of this information and hopes that the assistance in question will be requested shortly, as the Government itself states, with a view to giving full effect to the provisions of the Convention.

Article 4, paragraph 1 (medical care). With regard to its earlier comments, relating to the abolition of certain qualifying conditions contained in section 18 of Legislative Decree No. 22482 of 27 March 1979, on which the granting of medical care is dependent (payment of a certain number of monthly contributions), the Committee regrets to observe that it has not yet been possible to abolish the conditions established by the legislation in respect of contributions and that it is unlikely to be possible in the near future. In these

circumstances the Committee can only express the hope that the Government will shortly request the technical assistance of the ILO with a view to giving full effect to the Convention.

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

Haiti (ratification: 1955)

See under Convention No. 24.

Peru (ratification: 1945)

See under Convention No. 24.

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

Mauritius (ratification: 1969)

With reference to its previous observation concerning the comments of the Mauritius Labour Congress (MLC) on the application of the Convention, the Committee notes with interest the information supplied by the Government to the Conference Committee in 1985 and in its report. It notes in particular that before the reconstitution of the National Remuneration Board, the Minister invited the five federations including the MLC for consultations in accordance with the law but the MLC decided not to come to the joint meeting with other workers' organisations on that particular day and met the Minister on the following day. It also notes that the composition of the Board now includes one workers' representative and one employers' representative, who were those persons proposed by one trade union federation and by the employers' federation.

In this connection, the Committee notes from the Government's report that the Government is considering measures to give statutory effect to the Convention's requirements as regards equal representation of employers' and workers' organisations on the Board. The Committee hopes that the Government will be able to indicate in its next report what progress has been achieved with a view to bringing the legislation into conformity with the Convention on this point.

Portugal (ratification: 1959)

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

Article 1 of the Convention. In its earlier comments, the Committee referred to the communication from the General Confederation of Portuguese Workers (CGTP) concerning, inter alia, the lack of

progress concerning the application of the Convention to homeworkers in general, especially in respect of those of the Island of Madeira, and also in this respect the observations made by the Free Trade Union of Embroidery, Carpeting and Textile Workers of Madeira.

In its report, the Government indicates that the Secretary of State has decided to publish a report summarising the findings of the Tripartite Working Party set up to examine the methods of working at home in order to gain a better knowledge of the situation in Portugal in this respect. The Committee once again expresses the hope that, as previously indicated by the Government, co-ordinated action of the activities of this Working Party and the Regional Tripartite Working Party for the examination of the specific problems of women working in the embroidery industry of Madeira will make it possible for measures to be adopted permitting a system of minimum wage fixing to be established with regard to this category of workers, who are not yet covered by an effective scheme of wage fixing. The Committee requests the Government to supply full information on the progress made in this respect.

With regard to the Regional Tripartite Working Party, the Government indicates in its report that this working party is still awaiting the legal opinion of the Attorney-General of the Republic, particularly concerning the legal nature of the employment relationship of the workers concerned, which would affect the method adopted to fix their wages. The Committee would be grateful if the Government would make every effort to encourage this opinion to be given rapidly so that the Working Party can continue its task in order to adopt minimum wages applicable to this category of workers. The Committee requests the Government to supply full information on progress made in this respect.

The Committee would also appreciate it if the Government would keep it informed concerning the revision of wages undertaken in the context of the "Regulations for the Activities of Embroiderers Working at Home", approved by the regional Government of Madeira in 1980. It would be grateful if it would transmit a copy of the above Regulations.

Article 3. The Committee takes note with interest of the information provided by the Government, particularly with regard to the adoption of Legislative Decree No. 49/85 modifying minimum wages, and its preliminary submission to the Permanent Council of Social Planning which is constituted on a tripartite basis.

Furthermore, the Government indicates that it will inform the Committee of any legislative change adopted in order to guarantee equality of representation of employers and workers on the technical committees set up in accordance with section 36 of Legislative Decree No. 519-CI/79. The Committee hopes that the Government will take the necessary measures to bring the legislation into conformity with the practice and that it will inform the Committee of any changes made.

With regard to the other observations of the CGTP, the Committee takes note of the information supplied by the Government.

With reference to the observation concerning the application of section 2 of Legislative Decree No. 49.408 on the legal system of individual labour contracts, the Committee notes that, in accordance with the provisions of the above section, contracts covering work carried out at home or in a workplace belonging to the worker, and

contracts concerning the purchase by the worker of raw materials and the provision to the seller of these raw materials at a fixed price, and the purchase of the finished product, in the hypothesis that the worker in either of these cases is to be considered as economically dependent, are covered by the principles defined in the Legislative Decree in question, even if they are regulated by specific legislation. It therefore appears that this assimilation does not require the enacting of special regulations.

Finally, the Government stated that the CGTP had been invited to participate in the work of the Permanent Council of Social Planning which examined Legislative Decree No. 49/85, modifying minimum wages, but that this organisation did not indicate the three representatives who were to sit on this Council.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Central African Republic, Ghana, Guinea-Bissau, Ireland, Sudan.

Information supplied by the Dominican Republic and Nigeria in answer to a direct request has been noted by the Committee.

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

Honduras (ratification: 1980)

With reference to its previous direct request, the Committee takes note with satisfaction of Circular No. 261, which gives effect to Article 1, paragraph 4, of the Convention.

* * *

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

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

Luxembourg (ratification: 1931)

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

With reference to its earlier observations, the Committee notes with interest from the report of the Government that (a) regulations are being prepared to ensure the incorporation in the domestic law of Luxembourg of the standards laid down by the directive adopted by the Commission of the European Communities on 4 October 1982 to establish the technical specifications for

vessels engaged in inland navigation; and (b) that the relevant occupational chambers are being consulted. The Committee further notes that the above-mentioned directive fixes 1 January 1985 as the date limit for the adoption of practical measures to give full effect to it.

Recalling that no national regulations exist at the moment to give effect to the Convention, the Committee trusts that the measures referred to will be adopted very soon and that they will give effect to all the provisions of the Convention.

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

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.

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

Burundi (ratification: 1963)

1. In its earlier comments, the Committee 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, as amended by Presidential Decrees Nos. 100/143 and 100/144 of 30 May 1983.

The Committee notes the statement by the Government that the abolition in 1983 of the penalties which were provided for in section 4 of Ordinance No. 710/275 and section 3 of Ordinance No. 710/276 (providing that infringements of these Ordinances could be punished by sentences of imprisonment) was intended to make these Ordinances merely exhortative.

The Committee recalls the information supplied previously by the Government that all the work covered by the above-mentioned texts is voluntary in practice and hopes that, when the occasion arises, the necessary measures will be adopted to give statutory effect to this practice.

2. In its previous comment, the Committee asked the Government to indicate any measures taken to make the repeal of the texts on compulsory cultivation, portorage and public works (Decree of 14 July

1952; Ordinance No. 21/86 of 10 July 1953; Decree of 10 May 1957) known to the public.

The Committee notes the statement by the Government that the colonial character of these texts cannot be denied, and that their being in abeyance is proved by the fact that, instead of mentioning them at all, the Government has preferred to adopt new provisions in the same field, namely Ordinances Nos. 710/275 and 710/276 of 25 October 1979. The Committee hopes that the Government will indicate the measures taken or under consideration to bring the national laws formally into harmony with the Convention, by repealing or explicitly amending the former laws on the points covered by the Convention, so that there may be no doubt or uncertainty on the state of the law.

Byelorussian SSR (ratification: 1956)

1. Termination of membership of collective farms. In its previous observation, the Committee noted 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, had 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 of a collective farm, hand the work book of the former collective farm member to him. The Committee asked the Government to supply a copy of the official publication in which Decree No. 139 of 8 February 1984 and its annex have been published.

The Committee notes the Government's reply that the Union Council of Collective Farms has the right to give explanations in matters of interpretation of the Model Collective Farm Rules, and that the text of the explanation referred to was submitted with the last report. The Committee is addressing a direct request to the Government on this point.

2. Legislation concerning persons "leading a parasitic way of life". In earlier comments, the Committee noted that a Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR, dated 15 August 1975, repealed both the Decree of 15 May 1961 as amended, which authorised the direction to an employment, by decision of the executive committee of a council of workers' deputies, of persons evading socially useful work and leading an anti-social and parasitic way of life, and section 204¹ of the Penal Code of the Byelorussian SSR, which laid down penalties for refusal to comply with such a decision. The Committee had asked the Government to state whether amendments had been made at the same time to section 204 or other sections of the Penal Code of the Byelorussian SSR.

The Committee notes that the report of the Government contains no information on this matter. It again asks the Government to supply

the text of section 204 of the Penal Code, as worded at present, and any other provisions establishing or defining offences connected with the leading of a parasitic way of life.

3. Supply of legislative texts. The Committee has been asking the Government since 1964 to provide the text of the Administrative Code of the Byelorussian SSR of any regulations issued under this Code and of any laws or regulations governing the performance of communal services mentioned by the Government in an earlier report. It once more expresses its regret that these documents have not yet been sent and again urges the Government to send them.

Cameroon (ratification: 1960)

In comments made for some years, the Committee has observed 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.

The Committee notes that the Government reaffirms its earlier statements 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.

Central African Republic (ratification: 1960)

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

1. In its earlier comments, the Committee had noted the preparation of draft ordinances to repeal Ordinance No. 66/004 of 8 January 1966 respecting the suppression of idleness (as amended by Ordinance No. 72/083 of 18 October 1972), section 11 of Ordinance No. 66/038 of 3 June 1966 relating to the supervision of the active population and sections 2 and 6 of Ordinance No. 75/005 of 5 January 1975 making the performance of commercial, agricultural and pastoral activities compulsory. The Committee noted the statement by the Government in its report for 1982-83 that the draft ordinances are being submitted to the Committee on Legislation. The Committee hopes that the necessary measures will be adopted in the near future to repeal the provisions that are incompatible with the Convention.

2. In its earlier observations, the Committee had also referred to section 28 of Act No. 60/109 of 1960 respecting the development of the rural economy, which provides that minimum surfaces for cultivation shall be fixed for each rural community. The Committee noted that the Government repeats the statement that the practice of compulsory cultivation no longer exists in the Central African Republic and that vigorous efforts to provide guidance for the peasants and to awake their consciousness are encouraging them to work on their own account. The Committee trusts that measures will be taken in the near future, in accordance with the intention already expressed by the Government, to ensure that the Convention is observed both in law and in practice.

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 pointed out 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 Code and the revision of section 203, the Committee suggested that, so far as the cases really aimed at by this provision are 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 have no gainful activity and live with the freely given help of their family or friends.

The Committee notes the reply of the Government in its report that it intends to examine in the near future the draft principles of the new Penal Code. When it has approved the draft, the Government will submit it to the Federal Assembly for examination by the appropriate committees. Their points of view will be taken into account in completing the draft Penal Code, which will be submitted step by step to the appropriate constitutional bodies for discussion. The Government states that, under the present terms of section 203 of the Penal Code, the offence of parasitism comprises two essential features, namely, the systematic avoidance of honest work and resort to a dubious way of obtaining a livelihood, such as prostitution or gambling. Charges of parasitism are not brought against persons who, although they do not earn their living by their own gainful activities, live by means legitimately acquired, for example inheritance, savings, or lottery winnings. In Czechoslovakia, charges of parasitism are brought every year against about 4,300 persons, including 2,500 in the Czech Socialist Republic and 1,800 in the Slovak Socialist Republic. Of the total number of persons sentenced for offences, offenders sentenced for parasitism in 1984 represented: in the Czech Socialist Republic, 3 per cent, and in

the Slovak Socialist Republic, 6 per cent. The offence of parasitism is very often combined with another criminal activity, such as theft, swindling or the depredation of socialist property.

The Committee hopes that the Government, in examining the draft principles of the new Penal Code, will make sure that any provision corresponding to the present section 203 is drafted so as to exclude clearly from its scope those who have no paid activity but live on resources acquired legally, such as the freely granted assistance of their family or friends.

Pending the adoption of the new Code, the Committee would appreciate it if the Government would supply copies of court decisions defining the scope of section 203, particularly in cases where the offence of parasitism is not combined with other criminal activities.

Federal Republic of Germany (ratification: 1956)

Article 2, paragraph 2(c), of the Convention. In comments made over a number of years, the Committee has observed that, under the national legislation in force, prisoners may be placed at the disposal of private undertakings without their consent and without the necessary safeguards concerning remuneration and social security corresponding to a freely accepted employment relation. In 1978, the Committee noted the adoption of the 1976 Act on the execution of sentences, which provided that any employment of a prisoner in a workshop maintained by private enterprise was to depend on the prisoner's consent. The Act recognised the prisoner's right to wages but deferred to the end of 1980 consideration of an increase in the initial amount, which was only 5 per cent of the average wage of workers and employees covered by the old-age insurance scheme, plus board and lodging; sickness and old-age insurance were to be extended to prisoners later by law.

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, subsection 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.

In 1984, the Committee noted from the Government's report that a decision on these matters was to be taken by the end of 1983 and corresponding legislation was still being prepared.

The Committee notes with regret from the Government's latest report that by 30 June 1985 there had been no change in the conditions of work of prisoners in private undertakings either in law or in practice. As this matter has been the subject of comments for many years, the Committee hopes that the necessary measures will soon 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.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Guinea (ratification: 1959)

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

Honduras (ratification: 1957)

The Committee notes that no report has been received from the Government. It must therefore repeat its previous observation, which read as follows:

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 for 1982-83, 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.

Iceland (ratification: 1958)

Further to its previous comments, the Committee notes with satisfaction that section 180 of the Penal Code, which empowered the administrative authorities to direct certain classes of anti-social persons to any suitable employment under the menace of penal sanctions, has been abolished by section 10 of Act No. 42/1985, so as to ensure compliance with the Convention and with practice.

India (ratification: 1954)Abolition of bonded labour

In its previous observation dealing with the abolition of bonded labour, the Committee had noted the Government's conclusion in its report for 1981-83 that although, keeping in view the enormity of the problem and vastness of the country, the task of completely eradicating the bonded labour systems appeared gigantic, it was hoped that with the concerted efforts of the central and state governments, all vestiges of this scourge in the country would be removed before long. The Committee had asked the Government to supply detailed information on the measures taken and the practical results achieved.

The Committee notes the information supplied by the Government in its report for 1983-85 and in its statement to the Conference Committee in 1984. In particular, the Government has supplied a copy of the report of the Subcommittee on Bonded Labour constituted in 1979 to review the procedures and practices in identifying and freeing bonded labour and to recommend which improvements could be brought about to make them more effective. The Committee also has taken note of the judgement of the Supreme Court released on 16 December 1983 (Writ Petition No. 2135 of 1982, Bandhua Mukti Morcha vs. Union of India and Ors.); the Interim Report (May-June 1984) of the Commissioner appointed by the Supreme Court (by Order of 8 May 1984 in the Writ No. 12125 of 1984) on the Working Conditions of the Child Weaver in the Carpet Units of Mirzapur; and the Findings, Suggestions and Action Plans of the Programme Evaluation Organisation (PEO), Planning Commission, Government of India, in its 1984 evaluation study on the abolition of bonded labour. The situation appears to be as follows.

Scope of legislation

Article 23(1) of the Constitution of India provides that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. Under section 4(1) of the Bonded Labour System (Abolition) Act, 1976, the bonded labour system shall stand abolished and every bonded labourer shall stand free and discharged from any obligation to render any bonded labour. Under section 2(f), "bonded labourer" means a labourer who incurs, or has, or is presumed to have incurred, a bonded debt, i.e. an advance obtained, or presumed to have been obtained, by a bonded labourer

under, or in pursuance of, the bonded labour system (section 2(d)); the elaborate definition of "bonded labour system" given in section 2(g) refers, inter alia, to customary or social obligations, and birth in any particular caste or community, as possible reasons for bondage. In its judgement of 16 December 1983, the Supreme Court rejected the argument by the State of Haryana that in the absence of a debt, certain labourers may be providing forced labour but are not bonded labourers within the meaning of the Bonded Labour System (Abolition) Act, 1976, and the State can therefore not be compelled to rehabilitate them. The Supreme Court pointed out that, under section 12 of the Act, it shall be the duty of every District Magistrate to inquire whether any bonded labour system or any other form of forced labour is being enforced and if so, to take the necessary action to eradicate the enforcement of such forced labour.

Identification of bonded
or forced labourers

The Committee notes that according to the reports received from state governments, the total number of bonded labourers identified and freed was 182,823 on 30 June 1985, as compared with 157,580 on 30 June 1983. While these numbers indicate a sizeable progress, they have to be related to the overall extent of the problem. The Programme Evaluation Organisation report refers to estimates based on surveys by the National Sample Survey Organisation (NSSO) and by the Gandhi Peace Foundation in co-operation with the National Labour Institute. The latter survey, confined to 10 out of 21 states and the agricultural sector only, produced a figure of 2,617,000 bonded labourers in the final report of January 1981 of the Gandhi Peace Foundation. The NSSO estimate, based on a different coverage, concept and methodology, is 450,000 in 15 states. According to the 1979 report of the Subcommittee on Bonded Labour set up by the Central Standing Committee on Rural Unorganised Labour, many conservative estimates put the figure of bonded labour around 2,000,000, and the Commissioner for Scheduled Castes/Scheduled Tribes feels that the practice of bonded labour systems may exist in quarrying, weaving, hotel industry and domestic services, etc., apart from agriculture. The existence of bonded or forced labour in quarrying and weaving has been confirmed by the Supreme Court judgement of 16 December 1983 and the report of the Commissioner appointed by the Supreme Court on the Working Conditions of the Child Weaver in the Carpet Units of Mirzapur.

The detection of bonded labour poses serious difficulties. The Subcommittee on Bonded Labour pointed out in its report that those who keep bonded labourers belong to the powerful sections of the local community and have a vested interest in perpetuating the system and, besides, the bonded labourers who may be freed under the law and do not secure viable rehabilitation go back to their old masters, because of compelling circumstances in which they are left with no other alternative. This in turn results in disinclination on the part of other bonded labourers to come forward for being identified and freed. The Committee previously noted that 56 per cent of the bonded labourers interviewed in 1978 by the NSSO had gone into bondage in the course of the three preceding years.

As indicated by the Government in its report, under the Bonded Labour System (Abolition) Act, 1976, the state governments are primarily responsible for the enforcement and administration of the Act. The Subcommittee on Bonded Labour indicated in its report that while there was a spurt in the identification of bonded labour by the various state government in 1976 and 1977, this has tapered off subsequently. The 1984 PEO evaluation study confirms that in most cases the identification was done only at one point in time and perhaps hurriedly as well as half-heartedly in some states and thus the process of identification itself seems to have remained incomplete in almost all the states. No voluntary agency as such was duly involved in the identification of bonded labour. According to the Supreme Court judgement of 16 December 1983, one major handicap which impedes the identification of bonded labour is the reluctance of the administration in some states to admit the existence of bonded labour, even where it is prevalent. The Court directed the State of Haryana within six weeks of the judgement to constitute a vigilance committee in each subdivision of a district under section 13(1) of the Bonded Labour System (Abolition) Act, 1976, and the state government was to instruct every district magistrate to take up the work of identifying and releasing bonded labourers. The state government, district magistrates and vigilance committees were to accept the assistance of non-political social action groups.

Under rule 7 of the Bonded Labour System (Abolition) Rules, 1976, vigilance committees are to maintain registers containing the names and addresses of freed bonded labourers; statistics relating to the vocation, occupation and income of every freed bonded labourer; details of the benefits which the freed bonded labourers are receiving and details regarding the restoration of movable property and homesteads to bonded labourers and the punishment of offenders. The Subcommittee on Bonded Labour found little evidence during its visits about the maintenance of such registers and, in their absence, it was not possible to view whether the identification of freed bonded labour was a continuing process. In the PEO evaluation study, it was observed that registers were not maintained in some districts and wherever they were maintained, they were not maintained satisfactorily. Discrepancies were also found in records. Since these registers contain vital and basic information about the bonded labour, they should be kept up to date and maintained systematically.

The Committee notes the recommendation in the PEO evaluation study that the identification and release of bonded labour should be dealt with in the Revenue Department whose officials were equipped with judicial and administrative powers. In its previous observation, the Committee notes that following recommendations by the new Central Standing Committee on Bonded, Migrant and Casual Labour, the central Government had advised state governments that identification may be done through household surveys by the State Revenue Departments with the help of available field agencies; that it may also be done during the survey/census being undertaken for identifying target groups for allotment of houses and house sites; and that such surveys may be integrated with the preparation of village plans under the Integrated Rural Development Programme. The central Government has also emphasised to the state governments that

it was necessary that the activities of the vigilance committees at the district and subdivisional levels were 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. The Committee notes that details of the further action taken to follow up these recommendations and decisions have not yet been provided, nor copies of the in-depth studies to be performed by state governments in the forest villages.

The Committee takes due note of the Government's indication to the Conference Committee in 1984 that the identification of the bonded labourers required massive efforts, and the state governments had been advised to involve all available resources in this programme, including non-governmental social workers and social organisations. It appears, however, from the information available that, while the approaches and solutions to difficulties appear well developed in law and in the recommendations of the various bodies referred to, implementation in practice is unsatisfactory in all respects in the majority of states. There is an obvious need to impart to many state administrations a greater sense of urgency in implementing the law, starting with the measures required for the identification and freeing of bonded labour. In this connection, acceptance of the assistance of non-political social action groups by state governments, district magistrates and vigilance committees appears likely to speed up the process. A basic requirement for ensuring and controlling the implementation of the law is the proper maintenance of statutory registers, having regard also to the high risk of relapse into bondage.

The Committee hopes that the necessary action will be taken and that the Government will supply detailed information on the measures adopted and results achieved in the various states.

Rehabilitation and freeing from bonded debt

The Bonded Labour System (Abolition) Act, 1976, not only imposes in Chapter III the extinguishment of liability to repay bonded debt. The Act also provides for the rehabilitation of freed bonded labourers: district magistrates are to promote the welfare of the freed bonded labourer by securing and protecting his economic interests so that he may not have any occasion or reason to contract any further bonded debt (section 11); and vigilance committees are, inter alia, to provide for the economic and social rehabilitation of the freed bonded labourers, and to co-ordinate the functions of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourer (section 14(1)(b) and (c)).

The Committee notes from the Government's report that according to information received from state governments, out of 182,823 bonded labourers identified and freed by 30 June 1985, 140,335 have been rehabilitated, as compared with 115,316 out of 157,580 on 30 June 1983. The Government has not supplied any details regarding the measures actually taken in the various states during the reporting period for the rehabilitation of bonded labourers, and on the success of these measures in preventing freed labourers from relapsing into bondage.

Rehabilitation programmes are financed jointly by the central and state governments. A survey of these programmes made in the PEO evaluation study has produced a number of findings confirming earlier concern by the Subcommittee on Bonded labour. According to the PEO study, over 60 per cent of the beneficiaries were rehabilitated only after two to four years following their release, and only 48 per cent of the beneficiaries were provided some benefit of subsistence allowance during the intervening period; thus, most of the freed labourers were exposed to the danger of relapse into bondage.

According to the PEO study, 42 per cent of the beneficiaries surveyed (in some states all of them, elsewhere a minority) reported that the rehabilitation schemes were thrust upon them, no steps were taken by the concerned authorities to assess the choice of the beneficiaries. In all districts except one, no efforts were reported to have been made to integrate the rehabilitation of bonded labour schemes with other on-going beneficiary oriented programmes like food for work, IRDP, PWD works, etc. Only 10 per cent of the beneficiaries received financial assistance/loans, and only 46 per cent of them reported that their earnings were sufficient to meet their day-to-day requirements. The remaining 54 per cent supplemented the income through borrowing, going without meals and begging; the PEO called upon the concerned state governments to take prompt follow-up action to avoid relapse into bondage. In this connection, the Committee also notes the direction by the Supreme Court in its judgement of 16 December 1983 that the central and state governments were to take all necessary measures to ensure that minimum wages are paid in full and directly to the workers concerned.

The PEO study revealed that some labourers, though reported to be released and rehabilitated, were still working with the old master. By and large it was observed that there was no specific staff or specific arrangement for follow-up action in regard to watching the progress of the rehabilitation programmes for the ex-bonded labourers, or to protect them from relapsing into bondage. It was felt that absence of machinery for follow-up action and for providing necessary protection from relapsing into bondage would defeat the very purpose of the centrally sponsored scheme for rehabilitation of bonded labour.

The Committee notes that the Subcommittee on Bonded Labour also had concluded that periodical inspections by central teams, at a senior level, were necessary to ensure that the intended benefits of the centrally sponsored scheme are not frittered away or do not pass into the hands of others. In its 1984 observation, the Committee had noted that, upon the recommendations of the Central Standing Committee on Bonded, Migrant and Casual Labour, an Inter-Ministerial Working Group comprising representatives of the central Ministries of Labour, Home Affairs, Rural Development and the Planning Commission had been set up for periodically reviewing the progress achieved in rehabilitation; the Working Group also considered 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; and senior officers from the central Ministry of Labour were 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 that information on the results of this action has not yet been provided. It hopes that the Government will supply full details also on the action taken in regard of the various findings of the PEO study and the directions of the Supreme Court so as to ensure that released bonded labourers do not relapse into bondage.

Enforcement of sanctions

Under Article 25 of the Convention, the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced. The Bonded Labour System (Abolition) Act, 1976, provides that, inter alia, whoever compels any person to render bonded labour, and whoever advances any bonded debt, shall be punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to 2,000 rupees (sections 16 and 17). In its previous observation, the Committee had noted that court proceedings against the keepers of bonded labour were registered only in 6,937 cases, out of which 673 cases had ended in conviction and 2,506 in acquittal, and a sum of Rs.113,782 had been realised in fines from 177 offending parties. The Committee had expressed the hope that measures would be taken to ensure that adequate sanctions provided for in law are really imposed on the keepers of bonded labour and are strictly enforced.

The Committee notes the Government's statement in its report that, according to the latest information, 780 cases have been registered under the Bonded Labour System (Abolition) Act, out of which 313 are stated to be pending trial; no particulars are provided regarding the number of convictions and the penalties imposed. The Committee also notes the Government's statement to the Conference Committee that cases of violations are tried by independent courts which decide the nature and degree of punishment as prescribed under the law.

The Committee notes that the Bonded Labour System (Abolition) Act, 1976, provides for various measures to be taken by state authorities to ensure the punishment of offenders: under section 14(1)(d) and (e) of the Act, each vigilance committee is to keep an eye on the number of offences of which cognisance has been taken under this Act, and to make a survey as to whether there is any offence of which cognisance ought to be taken under this Act; powers and duties to be conferred by state governments on district magistrates under sections 10 and 12 would appear to include the bringing of court action against offenders; under section 21(1), the state government may confer on an executive magistrate the powers of a judicial magistrate of the first class or of the second class for the trial of offences under this Act. Finally, it would appear that where the sanctions provided for by law are not properly applied, the state governments may direct the public prosecutor to lodge an appeal to higher criminal courts.

The Committee hopes that the necessary measures will be adopted to give effect to Article 25 of the Convention, and that the Government will supply full information on the action taken in the

various states, including also statistics of the proceedings brought, convictions made and penalties imposed.

Islamic Republic of Iran (ratification: 1957)

The Committee notes that no report has been received from the Government. It must therefore repeat its previous observation which read as follows:

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.

Madagascar (ratification: 1960)

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

Article 2, paragraph 2(c), of the Convention. In its earlier comments, the Committee referred to the provisions of Decree

No. 59-121 of 27 October 1959 to establish the general organisation of prison services, as amended by a Decree of 6 March 1963, under which prison labour may be hired to private undertakings and prison work may be imposed on persons awaiting trial.

The Committee notes with interest the statement by the Government in its report that the hiring of prison labour to private individuals was abolished by Circular No. 10-MJ/DIR/CAB/C of 1 July 1970, a circular that has been reproduced many times, particularly with regard to abuses committed in the use of this labour by the administrative authority.

The Committee also notes the indication by the Government that, following the comments of the Committee of Experts, persons awaiting trial are no longer forced to perform prison work.

The Committee notes that it has not been possible to carry out the revision of Decree No. 59-121 of 27 October 1959 since another draft to institute a general reform of the prison services has been drawn up and is to be submitted shortly to the Government.

The Committee hopes that the necessary measures will be taken to bring the legislation into conformity with the Convention and with the administrative instructions on this point and, pending the amendments, asks the Government to furnish a copy of the Circular of 1 July 1970 and of the other instructions to which it refers in its report.

Mauritania (ratification: 1961)

The Committee observes that no report has been received from the Government. The Committee accordingly must repeat its previous observation, which read as follows:

1. Call-up of labour. In its earlier comments, the Committee noted that Ordinance No. 62-101 of 26 April 1962 and Act No. 70-129 of 23 January 1970 confer very wide powers on the authorities to requisition persons outside the cases of emergency covered by Article 2, paragraph 2(d), of the Convention. It noted with interest the statement made to the Conference Committee in 1982 by a Government delegate that the Government recognised the necessity of repealing provisions that were not in conformity with the Convention, and that a revised draft labour code would ensure that the legislation was in full conformity with the Convention. The Committee notes the information communicated to the Conference Committee in 1984 by a Government delegate to the effect that the revision of the Labour Code was finished, and that the revised draft code would be submitted to the International Labour Office for comments, before its adoption by the competent authorities, as soon as possible.

The Committee hopes that the Government will communicate in the near future the texts repealing or amending the provisions in question to bring them into compliance with Article 2, paragraph 2(d), of the Convention.

2. Abolition of slavery. In its earlier comments, the Committee referred to the Report of the Working Group on Slavery of the United Nations Subcommission on the Prevention of Discrimination and the Protection of Minorities on its Seventh Session, held in August 1981, in which the Group referred to allegations made by the Anti-Slavery Society for the Protection of Human Rights regarding the effects of the Declaration of 5 July 1980 proclaiming the abolition of slavery throughout the whole national territory and for all Mauritanian citizens. The Committee also noted 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 having held titles to the former slaves and that a national commission shall be established by decree to study the procedure governing compensation, a procedure to be fixed by decree after completion of the study. The Committee noted that the Ordinance contains no provision imposing penal sanctions for the illegal exaction of forced labour.

The Committee notes the statement by the Government to the Conference Committee in 1984 that the Decree issued to abolish slavery had almost completely changed the situation inherited from a lengthy past and had disturbed deeply rooted customs; it was a problem of society requiring efforts to educate the population, including the freed slaves, because, since they had acquired certain habits, it was difficult for them to emancipate themselves completely. The Committee notes the assurance of the government representative that slaves no longer exist in the country, that well organised movements, and even enforcement brigades, are following the problem and that a certain number of economic and political measures, in particular agrarian reform and educational programmes using theatrical and folklore presentations, are in progress.

The Committee also notes the Report presented to the United Nations Subcommission on the Prevention of Discrimination and the Protection of Minorities, following a mission to Mauritania by one of its members (document E/CN.4/Sub.2/1984/23). The rapporteur indicates that, in circular no. 003 of 9 January 1981, the Minister of Justice urged the judges and cadis (al-Koodat) to respect scrupulously the solemn decision of 5 July 1980 and to remain in complete conformity with international and national law; he also notes that, in circular no. 108 of 8 May 1983, the Minister again prohibited judges from taking decisions incompatible with the texts cited therein, and requested governors to give notification of all breaches and irregularities that came to their knowledge. The rapporteur points out, however, that adherents to a movement for the emancipation of former slaves complain that the abolition of slavery has not been accompanied by penal sanctions for those contravening its provisions. He also notes that no decree has yet been issued in pursuance of section 3 of Ordinance No. 81-234 of 9 November 1981, and that certain persons are under the impression that the

Ordinance is not effectively in force as long as the implementing decree provided for therein is not promulgated and that the view has been expressed that masters might tell their slaves that they are still subject to slave status, because compensation has not yet been received and cannot be claimed in the absence of the implementing Decree.

The Committee requests the Government to communicate all information on the measures taken or contemplated to ensure the application of the decisions abolishing slavery and to give effect to Article 25 of the Convention, under which the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and strictly enforced. The Committee requests the Government to communicate, in particular, the text of the implementing decree provided for under section 3 of Ordinance No. 81-234 as soon as it is adopted and of court decisions made following lawsuits brought against those not observing the provisions abolishing slavery.

Netherlands (ratification: 1933)

In previous comments, the Committee expressed the hope that the necessary measures would 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. The Committee noted that a bill (No. 13656) providing for the repeal of this section was submitted to the legislature in 1975 and remained pending, while a second bill, providing for the abolition of penal sanctions in this connection, was adopted in 1979.

The Committee notes from the Government's latest report that in March 1985 the Ministers of Social Affairs and Employment and of Justice informed Parliament that while awaiting the Socio-Economic Council's recommendation on revisions to legislation on dismissal, once more work would be suspended on Bill No. 13656. The Committee also notes the comments made by the Federation of Christian Trade Unions in the Netherlands (CNV), which profoundly regrets that the debate on Bill No. 13656 was interrupted at the instigation of the Government. In the opinion of the CNV, the comprehensive renewal of the legislation on dismissal forms a highly controversial issue, the outcome of which will not be established for several years to come. For this reason, the CNV argues that Bill No. 13656, regarded as non-controversial, should be adopted as soon as possible, in order to assure compliance with the Convention. In reply to this observation of the CNV, the Government points out that Bill No. 13656 not only deals with the proposal to abolish the requirement for a worker to obtain permission for the termination of his employment, but also aims at incorporating the legislation on dismissal, which is at present contained in the 1945 Extraordinary (Employment Relations) Decree, in the Civil Code. In doing so, the bill envisages several proposals which, in the Government's view, have ceased to be desirable, so that one cannot speak of a relatively simple, non-controversial issue,

which would have no relation to the above-mentioned total renewal of the legislation on dismissal. The Government remains, however, convinced of the necessity of repealing the present regulation, which comprises a ban on the unilateral termination of the contract of employment by a worker without his obtaining the previous permission of a government authority.

The Committee takes due note of these indications. It also notes from the Government's report that the 1945 requirement is still observed in practice, albeit rarely, since it seldom happens that employers do not consent to termination of the contract of employment at the worker's initiative. Although heads of the regional employment offices seldom refuse to issue the requisite permit, in 1984 about a hundred workers applied for a permit, which was refused to them in approximately a dozen cases.

The Committee hopes that the present restrictions on termination of employment at the worker's initiative, which have been the subject of comment for a great number of years, will soon be abolished. Pending the necessary action to bring the legislation into conformity with the Convention, the Committee trusts that the Government will find ways and means of ensuring that the requisite permits are issued to the workers in all cases where they apply for them, and that it will indicate the action taken and the results achieved.

Pakistan (ratification: 1957)

Restrictions on termination of employment. In comments that it has been making for a great number of years, the Committee has 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 1971-73 the Government stated that the provisions in question would have to be left intact until the state of emergency was lifted in 1974. In later reports and in statements to the Conference Committee, the Government has offered a number of explanations, either in support of the view that the above-mentioned restrictions on termination of employment were compatible with the Convention, or to prove that notwithstanding these restrictions employees could resign or leave their jobs with three months' notice or less.

The Committee in its 1984 observation, having examined these various explanations, referred more particularly to the Government's repeated statements that notwithstanding anything contained in the Acts government employees could resign or leave their jobs with three

months' notice, and requested the Government to take measures at an early date 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.

The Committee notes that the Government has not supplied a report on the Convention for 1983-85. The Committee has, however, taken note of the information communicated by the Government to the Conference Committee in 1984, confirming that workers could in fact resign their jobs with three months' notice, but indicating that this possibility did not exist for workers governed by the Essential Services Acts when applied to services of the greatest importance to the community.

The Government stated that if workers were allowed to leave employment declared to be an essential service under the Essential Service (Maintenance) Act, 1952, their departure would result in endangering the well-being of the whole community. As cases in point, the Government referred to those of experienced skilled workers employed in various installations of the Water and Power Development Authority in the country; workers employed on the loading and unloading of ships; and workers employed in the three printing presses at Islamabad, Lahore and Karachi run by the Printing Press of Pakistan Corporation, which prints the proceedings of the National Assembly, the Federal and Provincial Budgets, the laws and other printing requirements of the State.

In addition, the Government referred to the special economic and social circumstances of the country regarding the application of this Convention. Pakistan had to cope with urgent needs regarding production and productivity. The labour market was characterised by the gap between supply and demand of manpower. Qualified workers were attracted by better working conditions and higher salaries, which led them to change employment or even to leave the country. Consequently, the authorities felt obliged to control labour movements so as to maintain the functioning of essential services. The case had to be considered from the viewpoint of the needs of economic development to be met and of factors such as the emigration of skilled and semi-skilled workers and the need to ensure the continued maintenance of essential services.

The Committee has taken due note of these explanations. With regard to persons in government employment of whatever nature, the Committee notes that in spite of the Government's repeated assurances that resignation is in fact possible with three months' notice, the prohibition in the Pakistan and West Pakistan Essential Services (Maintenance) Acts appears not to have been repealed.

With regard to other classes of employment to which the restrictions on termination of employment have been extended, the Committee observes that - whether or not all the categories of employment referred to by the Government are essential services whose interruption would endanger the existence or the well-being of the whole or part of the population - there is no basis in the Convention for depriving workers, even in such essential services, of the right to terminate their employment by giving notice of reasonable length. In particular, the conception of emergency in Article 2, paragraph 2(d), of the Convention involves, as indicated by the Committee in

paragraph 36 of its 1979 General Survey, a sudden, unforeseen happening calling for instant counter measures. In the absence of such emergency, neither the need to maintain the functioning of essential services nor the needs of economic development can justify turning a contractual relation based on the will of the parties into service by compulsion of law.

The Committee hopes that the necessary measures will soon be adopted to bring the Pakistan Essential Services (Maintenance) Act, 1952, and the West Pakistan Essential Services (Maintenance) Act, 1958, into conformity with the Convention, and that the Government will indicate the action taken or contemplated.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Romania (ratification: 1957)

The Committee notes with regret that no report has been received from the Government. It must therefore repeat its previous observation which read as follows:

The Committee referred to the provisions of Act No. 24 of 5 November 1976 on the recruitment and placement of labour, and Act No. 25 of 5 November 1976 on the assignment of able-bodied persons to useful work. By virtue of these Acts, all able-bodied persons of more than 16 years of age, who are not receiving training and are without employment, are obliged to register with the Directorate of Labour and Social Security or its regional office, with a view to being placed in employment. Under section 7 of Act No. 25, an allocation order is binding and persons allocated to employment shall report immediately to the undertaking indicated with a view to their engagement. Measures of persuasion are provided for under section 8 of the same Act in respect of persons who systematically refuse without valid reason to be engaged for employment. Where, despite all the encouragement he has received, the person concerned refuses to take up employment or follow a course of training and continues to lead a parasitic form of life, he is obliged, under the terms of section 9 of Act No. 25, to work in an undertaking determined by court order or, if a minor, to be placed in a labour and re-education centre. The court order will be final and enforceable under the terms of section 10, paragraph 4; section 11 of the Act provides that the police authorities shall ensure its implementation. By virtue of section 12, paragraph 2, no person placed in employment as the result of a court order, may change his workplace before a year has passed.

The Committee notes, furthermore, that section 129 of the Labour Code allows a worker to terminate his employment on his own initiative, subject to the fulfilment of certain formalities, but that in so doing, the worker is obliged, in conformity with Act No. 24 of 1976, to register a request for placement in employment, which will result in his compulsory allocation to a workplace under section 7, paragraph 1, of Act No. 25 of 1976.

The Committee refers to the comments made in paragraph 45 of its General Survey of 1979 on the Abolition of Forced Labour, where it pointed out that legislation creating an obligation for all able-bodied citizens to work under the menace of a penalty is incompatible with the Convention.

Recalling that the Government earlier stated that it would examine the possibility of amending the legislation in question, the Committee hopes that measures will be taken to ensure the observance of the Convention in this respect.

Singapore (ratification: 1965)

1. Freedom to leave the service. The Committee notes with interest from the Government's reply to its previous request that there has been no case where the armed forces have refused permission to any of their career members who wish to leave the service before their retirement age.

2. Article 2, paragraph 2(c), of the Convention. The Committee has previously noted that, under section 15 of the Singapore Corporation of Rehabilitative Enterprises (SCORE) Act, the functions of the Corporation relate both to the vocational training of prisoners and to the imposition of prison labour pursuant to section 50 of the Prisons Act. For these purposes, the Corporation may, under section 16(k) of the SCORE Act, enter into joint ventures with any person or organisation. The Committee had asked the Government to supply further information on the relation between SCORE and the persons and organisations concerned, including copies of agreements or other documents governing this relation. While it notes the Government's statement in its latest report that the vocational rehabilitation of prisoners is to enable them to play a beneficial role on their return to society, the Committee again asks the Government to supply copies of the agreements or other documents governing the joint ventures entered into under section 16(k) of the SCORE Act.

3. In previous comments, the Committee has noted that, under sections 3 and 13 of the Destitute Persons Act, 1965, any destitute person may be required under the menace of penalties to reside in a welfare home, and under section 10 of the Act, any person residing in a welfare home may be required to engage in any suitable work. The Committee notes from the Government's latest report that the Government sees no necessity to amend section 10 of the Act. The Committee must point out that, in ratifying a Convention, governments undertake to ensure its observance both in law and in practice. Recalling the assurances given by the Government in earlier reports that no destitute person who has a home to go to or can be provided with alternative accommodation is admitted to a welfare home against his will and that in actual practice no resident is ever forced or compelled to work within or outside the welfare home, the Committee again expresses the hope that, on an appropriate occasion, section 10 of the Destitute Persons Act will be amended so as to bring it into conformity with actual practice and the Convention, and that the Government will indicate in its future reports any action taken on this matter.

Tunisia (ratification: 1962)

In its earlier comments the Committee has referred:

- to the provisions of Legislative Decree No. 62-17 of 15 August 1962, under which any male person who without just cause refuses to work may be directed to rehabilitation through work on worksites of the State;
- to the provisions of Act No. 78-22 of 8 March 1978 to establish the civic service, under which any Tunisian between 18 and 30 years of age who cannot show that he has a job or is registered in an educational or 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 compulsory rehabilitation through work in the event of refusal or desertion.

The Committee takes note with interest of the consent of the Prime Minister, expressed in a letter dated 17 December 1985, to the revision of Legislative Decree No. 62-17 of 15 August 1962 and Act No. 78-22 of 8 March 1978 to establish the civic service with a view to bringing certain of their provisions into conformity with the Convention. The Government states that an interdepartmental committee will shortly meet for the purpose.

The Committee requests the Government to supply full information on any amendments introduced to bring the texts in question into conformity with the Convention.

Ukrainian SSR (ratification: 1956)

1. Termination of membership of collective farms. In its previous observation, the Committee noted 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, had 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 of a collective farm, hand the work book of the former collective farm member to him. The Committee asked the Government to supply a copy of the official publication in which Decree No. 139 of 8 February 1984 and its annex were published. In the absence of a reply on this point the Committee is addressing a direct request to the Government.

2. Legislation concerning persons "leading a parasitic way of life". In its previous observations, the Committee has referred to the provisions concerning persons "leading, over a prolonged period of time, any 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 has taken note, with interest, of the Order of the Presidium of the Supreme Soviet of the Ukrainian SSR of 3 January 1985 on the manner of applying section 214 of the Penal Code of the Ukrainian SSR, appended to the Government's report. This Order provides definitions of various terms in section 214 of the Code. In order to be able to appreciate the effect of the Order of 3 January 1985 on the scope of section 214 of the Penal Code of the Ukrainian SSR, the Committee has addressed a direct request to the Government. In this request the Committee asks for information on the practical application of section 214 read with the Order of 3 January 1985.

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 1979-81 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 has taken note with interest of the official text of the Code of Administrative Offences of the Ukrainian SSR adopted on 7 December 1984, which was supplied by the Government with its latest report. It hopes that the Government will also be able to supply in the near future a copy of the Administrative Code in force.

USSR (ratification: 1956)

The Committee notes the information supplied by the Government in its report and in its statement at the Conference in 1984.

1. Termination of membership of collective farms. In its previous observation, the Committee noted 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, had 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 of a collective farm, hand the work book of the former collective farm member to him. The Committee asked the Government to supply a copy of the official publication in which Decree No. 139 of 8 February 1984 and its annex were published.

The Committee notes the Government's reply that the text of the explanation was sent to the management committees of collective farms to be brought to the attention of collective farm members, and that according to the legislation of the USSR, the Union Council of Collective Farms is the body competent to give explanations in matters

of interpretation of the Model Collective Farm Rules. The Committee is addressing a direct request to the Government on this point.

2. Legislation concerning persons "leading a parasitic way of life". In its previous observations, the Committee has 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 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 notes that in its statement at the Conference in 1984, the Government added that the concept of the legislator was based on the social value of productive work in a socialist society. Section 209 was therefore interpreted as applying to those cases when a person who was able to engage in productive work was, instead, making a livelihood from such activities as gambling and fortune-telling.

The Committee has also taken note, with interest, of the Order of the Presidium of the Supreme Soviet of the RSFSR of 13 December 1984 on the manner of applying section 209 of the Penal Code of the RSFSR, providing definitions of various terms in section 209. In order to be able to appreciate the effect of the Order of 13 December 1984 on the scope of section 209 of the Penal Code of the RSFSR, the Committee has addressed a direct request to the Government. In this request the Committee asks for information on the practical application of section 209 reads with the Order of 13 December 1984 and on its impact on the point raised in the documentation communicated by the International Confederation of Free Trade Unions indicating that section 209 of the Penal Code of the RSFSR had been applied to certain persons who had income derived from giving private tuition or other lawful sources.

Venezuela (ratification: 1944)

The Committee notes that no report has been received from the Government. It must therefore repeat its previous observation which read as follows:

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 noted the statement by the Government in its report for 1982-83 that the proposed reform of the Penal Code is the subject of a new revision by the competent Committee of the Senate.

The Committee hoped 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 observed 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. The Committee hopes that information will be supplied on the progress made in this regard.

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

Zaire (ratification: 1960)

The Government states in its report that the difficulties encountered in giving effect to the Convention are of an administrative nature and due to the fact that most of the laws and regulations that are the subject of comments come under other ministerial departments but that the Department of Labour and Social Welfare is continuing its consultations with the services concerned with a view to making them take an interest in bringing the texts in question into conformity with the provisions of the Convention. The Committee takes note of this statement and recalls the following points, which have been the subject of comments for many years:

1. In its earlier comments, the Committee noted that a draft ordinance had been prepared to provide 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 provides for the imprisonment with compulsory labour of tax defaulters by decision of the chief of the local community or the area commissioner) and their replacement by provisions allowing defaulting taxpayers to choose the performance of work designated by the competent local authority and remunerated in accordance with the legislation on legal minimum wages. This draft ordinance also provided for the repeal in full of Ordinance No. 15/APAJ of 20 January 1938 respecting the prison system in native districts.

The Committee trusts that the draft intended to ensure the observance of the Convention will be adopted in the near future and that a copy will be supplied when the text is promulgated.

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 (as amended in 1969) and 72/058 of 22 September 1972. It also noted that under Legislative Ordinance No. 78/022 of 7 August 1978, supplementing Ordinance No. 72/058, the services of certain classes of graduates in higher education may be requisitioned, and they then receive their certificates of graduation only after completion of their compulsory service.

The Committee noted the statements by the Government that Legislative Ordinance No. 78/022 applied not to all final-year students but to those of higher teaching and technical institutes and persons who have qualified for secondary teaching, that most of the final year students called up are often assigned to the establishments of their choice and that those who evade requisitioning are not liable to punishment by the courts.

The Committee recalls the earlier statements by the Government that it was aware that no major progress had been made in bringing the legislation into harmony with the Convention, and that working sessions were being organised to bring the competent officials of the ministries concerned together for a detailed examination and for the amendment of the texts concerning civilian service. The Committee trusts that the necessary measures will soon be taken to bring the whole of the legislation on civilian service into conformity with the Convention and that the Government will shortly report progress achieved in the matter. Meanwhile, the Committee requests the Government to supply all information concerning the practical application of Legislative Ordinance No. 78/022 of 7 August 1978, including copies of the Orders and of the list of names brought to the knowledge of the persons concerned through the press.

3. The Committee had previously noted that provisions of Act No. 76/011 of 21 May 1976 concerning national development efforts to increase productivity, which obliged, under threat of penal sanctions, every able-bodied adult person of Zairian nationality who was not already considered to be making his contribution by reason of his employment (political

representatives, wage earners and apprentices, public servants, tradesmen, members of the liberal professions, the clergy, students and pupils) to carry out agricultural work and other development work as decided upon by the Government. It had also noted the measures to implement Act No. 76/011 laid down in Departmental Order No. 00748/BCE/AGRI/76 of 11 June 1976.

The Committee noted the statements by the Government that consultations had actually taken place between representatives of the ministerial departments concerned with a view to preparing amendments in conformity with the earlier comments of the Committee. The Government stated, in particular, that one amendment concerned section 11 of Act No. 76/011 of 21 May 1976, which provided for penal sanctions against persons who evaded the obligation to produce.

The Committee trusts that the necessary measures will be adopted shortly to bring all the texts in question into conformity with the provisions of the Convention and that the Government in its next report will indicate the amendments adopted.

4. The Committee noted that, as part of the work of revising the Labour Code that was going on at the time, it was planned that those infringing the provisions prohibiting the exaction of work or service from any person, under the menace of any penalty, for which the said person had not offered himself voluntarily should be punished by a fine. It hopes that the Government will soon be in a position to transmit the text of the new Code.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Australia, Bahamas, Bahrain, Barbados, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Costa Rica, Cyprus, Democratic Yemen, Djibouti, Dominica, Fiji, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, India, Islamic Republic of Iran, Italy, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Madagascar, Malaysia, Mauritania, Mauritius, Niger, Nigeria, Norway, Pakistan, Portugal, Romania, Saint Lucia, Somalia, Spain, Sri Lanka, Swaziland, Switzerland, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Arab Emirates, Venezuela.

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

Convention No. 30: Hours of Work (Commerce and Offices), 1930Ghana (ratification: 1974)

In the absence of information in reply to its earlier comments, the Committee is once again addressing a direct request to the Government and hopes that the next report will contain full information on the points raised.

Kuwait (ratification: 1961)

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

* * *

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

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

Following its earlier observations, the Committee notes from the Government's report that the model conditions of employment for dockworkers to which the Government has been referring for a number of years have not yet been adopted due to other priorities in legislative work in the field of labour. The Committee once again draws the Government's attention to the fact that there is at present no legislation ensuring the application of the Convention. Therefore, it can only urge the Government once again to adopt suitable regulations in the very near future to give effect to the Convention.

Furthermore, the Committee once again requests the Government to make every effort to compile and provide the information on the practical effect given to the Convention, in accordance with Point V of the report form, which were already requested from the Government in 1983.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Italy (ratification: 1933)

The Committee notes that the Government's report contains no reply to its previous comments. It hopes that the next report will include full information on the matters raised in its previous observation which read as follows:

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 resubmit 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.

* * *

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

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

France (ratification: 1939)

Article 12, paragraph 3 of the Convention. The Committee refers to the comments it has been making for some years concerning the "supplementary allowance" paid as a supplement to a basic old-age and invalidity benefit, an allowance that is payable, under sections L.685 and L.707 of the Social Security Code, only to French nationals and to nationals of the countries that have signed a reciprocity agreement with France. The Committee observes that the Government confines itself in its report to paraphrasing the provisions of the above mentioned section L.707. The Committee can therefore only suggest once more that the Government should reconsider the possibility of ratifying the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), at least in respect of parts II (invalidity) and III (old age), whose provisions are more flexible and whose adoption would in particular entail, at the date of its coming into force for France, the denunciation ipso jure of Conventions Nos. 35, 36, 37 and 38.

* * *

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

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

France (ratification: 1939)

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

* * *

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

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

France (ratification: 1939)

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

* * *

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

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

France (ratification: 1939)

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

* * *

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

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

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

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

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

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

Central African Republic (ratification: 1969)

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

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

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

Algeria (ratification: 1962)

Article 2 of the Convention. The Committee notes with interest the information supplied by the Government to the effect that the schedule of occupational diseases appearing in Convention No. 42 has been transmitted to the Ministry of Social Protection and to the Ministry of Health to be taken into consideration when updating existing texts or drawing up new texts under Act No. 83-13 of 5 July 1983, with a view to full harmonisation. It therefore hopes that the texts applying Act No. 83-13 of 5 July 1983 will be adopted soon and that the new schedule of occupational diseases will take into account its earlier comments concerning the schedules annexed to the Order of 22 March 1968 as amended, namely:

- (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 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 pointed out earlier);
- (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.

France (ratification: 1948)

The Committee notes the amendments made to the schedules of occupational diseases (annexed to Decree No. 46-2959 of 31 December 1946) by Decrees Nos. 83-71 of 2 February 1983, 84-492 of 22 June 1984 and 85-630 of 19 June 1985. The Committee notes, however, that the new revisions do not make changes with regard to the inclusion of a number of diseases and with regard to the list of pathological manifestations which have been the subject of its comments for a certain number of years and which concern: (a) the restrictive nature of the pathological manifestations listed under each of the diseases in the schedule of the national legislation; (b) the absence in the schedules of a heading covering in general terms, as in the Convention, poisoning by all halogen derivatives of hydrocarbons of the aliphatic series and by all compounds of phosphorus; and (c) the omission from the list of activities likely to cause primary epitheliomatous cancer of the skin of processes involving the handling of certain products other than coal pitch.

The Committee once again expresses the hope that the Government will indicate in its next report any progress achieved in this respect.

Guyana (ratification: 1966)

With reference to its previous comments, the Committee notes that the Government is not in a position to submit the amended list of occupational diseases, appended to Regulations No. 34 of 1969, as it has not yet been finalised by the drafting officers. The Committee hopes that the draft schedule will soon be finalised taking into account the following points:

- (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 phosphorous or its compounds, the inorganic compounds of phosphorous;
- (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).

[The Government is asked to report in detail for the period ending 30 June 1987.]

Haiti (ratification: 1955)

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

In its earlier comments, the Committee has asked the Government to provide information on the practical application of the Convention, particularly statistics on the number of workers employed in the trades, industries or processes appearing in the schedule of Article 2 of the Convention, the cases of diseases reported and the sums paid for compensation, in accordance with point V of the report form adopted by the Governing Body on this Convention.

In the information supplied to the Conference Committee in 1979, the Government stated that, although no case of occupational disease appeared in the statistics on industrial accidents furnished at the time to the ILO, this was because the comparatively low industrialisation of the country meant that there were no industries that might cause such diseases. The Committee observes nevertheless that many of these accidents arise in many industries and during work (extraction of metal ores or building stone, industries of leather and leather articles, non-metallic metal products, transport, agricultural undertakings, etc.) using materials capable of causing one or more of the diseases listed in the schedule of the national legislation and that of the Convention.

The Government also stated, in 1979, that instructions had been given to the Industrial Accident Insurance Office to report separately cases of occupational diseases in the statistics that it was going to communicate to the ILO.

Since the Government has not provided in its report any of the information requested concerning the application of the Convention, the Committee is once more unable to assess the way in which effect is given in practice to the Convention. It hopes that a report will be provided for examination at its next meeting and that this will contain the above-mentioned data which it has been calling for for a number of years.

New Zealand (ratification: 1938)

With reference to its previous comments made over a number of years, the Committee regrets to note that no progress has been achieved with regard to the adoption of legal or administrative

provisions establishing that the diseases and poisonings referred to in Article 2 of the Convention shall be considered as occupational diseases. In its report the Government limits itself to stating that although the Accident Compensation Co-operation is currently considering the adoption of the above table in an administrative schedule, this measure is not considered as a high priority since, in the opinion of the above Co-operation, the diseases listed in the Schedule of the Convention would be covered under the current legislation which applies on a wider basis.

In this case, the Committee can only express once again the hope that the necessary measures will soon be adopted to establish the presumption of the occupational origin of all the diseases listed in the Schedule of the Convention, thus ensuring the workers concerned a protection that is at least equivalent to the protection envisaged by the Convention.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Poland (ratification: 1949)

With reference to its earlier comments, the Committee takes note of the adoption of the Decree of the Council of Ministers of 18 November 1983, respecting occupational diseases. It notes with satisfaction that the new list of occupational diseases covers all the pathological manifestations due to radiation, as does the Convention. It also notes that anthrax infection is covered by section 11 of the new list of occupational diseases, by the terms "infectious and contagious diseases"; it would be grateful if the Government would transmit with its future reports examples of cases of compensation for this disease.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Bahamas, Brazil, Comoros, Cuba, Greece, Mauritius, Norway, Suriname, Turkey.

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

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

Requests regarding certain points are being addressed directly to the following States: China, Spain.

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

Convention No. 52: Holidays with Pay, 1936Cuba (ratification: 1953)

With reference to its previous observation, the Committee notes with satisfaction that, according to section 95 of the Labour Code of 1985, in the event of annual holidays being postponed, the worker must take at least seven days of holiday during the current year. Moreover, it notes that under section 98 of the Code (similar to section 15 of Decree No. 81 of 1981 governing annual holidays with pay and repealed by the Code) the Committee of State on Labour and Social Security may authorise, in a number of branches or activities or for reasons of production or services, the replacement of the holidays by supplementary remuneration with the agreement of the workers. In this connection, the Committee feels bound to point out once again that, according to the Convention, in no event can the minimum annual holiday of six working days be replaced by cash remuneration. It therefore trusts that the Government will take the necessary measures to bring the legislation into conformity with the Convention on this point.

Convention No. 53: Officers' Competency Certificates, 1936Panama (ratification: 1970)

Further to its previous comments, the Committee has noted with interest the statement made by a Government representative to the Conference Committee in 1985, as well as the information which relates to the application of Convention No. 53, supplied in the Government's report on Convention No. 108.

The Committee notes that the General Directorate of Consular and Naval Affairs has, through the Panama Marinexam Corporation, begun to implement a system of examinations with the aim of issuing certificates for officers and seamen which will be a guarantee of safety and efficiency for all personnel working on board Panamanian ships. The Government has further indicated that to afford the crew sufficient time to prepare themselves adequately, the General Directorate has authorised, by Resolution No. 614-317-ALCN of 24 October 1984, the issuance of temporary certificates of competency for officers with a validity of nine months, which may be extended, under General Directorate Resolution No. 614-371-ALCN of 20 December 1984, to a total of 15 months, calculated from their date of issue. The Government has also indicated that regulations are to be issued in March 1986 setting forth a schedule of examinations and their location, as well as other information necessary to the success of the programme. The Committee hopes that all necessary measures will be taken in order to ensure effective application of Articles 3, 4, 5 and 6 of the Convention, and that the Government will supply full information in this regard.

[The Government is asked to report in detail for the period ending 30 June 1986.]

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

Liberia (ratification: 1960)

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

1. The Committee notes the information supplied by the Government to the Conference Committee, at its 69th Session (1983), and in its report to the effect that the draft Labour Code and the draft Decree of the People's Redemption Council (whereby it is intended to give full effect to the provisions of Convention No. 55) have both been submitted to the Interim National Assembly, which is the competent authority. The Government states also that these drafts would give full effect to the provisions of the Convention.

2. In its previous comments, the Committee noted that the above-mentioned draft Decree contained provisions which would permit the application of the following Articles of the Convention which have been the subject of comments by the Committee for a number of years, namely Article 1, paragraph 2 (application of the Decree to vessels of more than 25 tons); Article 2, paragraph 1 (liability of the shipowner in cases of sickness or injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement); and Article 6, paragraph 2(d) (necessity of obtaining the competent authority's approval for the repatriation of a seaman to a port other than where he was engaged or the voyage commenced and not in his own country).

3. The Committee also drew the Government's attention to the provisions of section 6, paragraph 2, subparagraph (iv), of the above-mentioned draft, which are incompatible with the provisions of article 2, paragraph 3, of the Convention. The Committee consequently trusts that the above-mentioned draft will be amended so as to give full effect also to this provision of the Convention and that it will be adopted in the near future. It requests the Government to report all progress made in this respect.

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

* * *

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

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

Peru (ratification: 1962)

The Committee notes that the Government's report does not contain a reply to its earlier observation, which read as follows:

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

The Committee trusts that the Government will adopt the necessary measures in the near future to give full effect to this provision of the Convention, and requests it to provide information on any progress achieved in this respect.

* * *

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

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

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

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

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

Sierra Leone (ratification: 1961)

Since 1964, the Committee has been drawing the attention of the Government to the need to amend the national legislation so as to give effect to 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 an age higher than 15 years for the admission of young persons to dangerous employment.

In its latest report the Government states that the Committee's comments are still under consideration and that consultations are taking place with the employers' and workers' organisations so as to

enable the Joint Consultative Committee to make concrete recommendations. The Committee trusts that the necessary measures to bring the legislation into conformity with the Convention will be adopted in the very near future.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

* * *

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

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

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

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

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

Argentina (ratification: 1956)

Further to its previous observations, the Committee has noted the detailed information provided by the Government concerning the legislation and the collective agreements which relate to the subject-matter of the Convention. It also notes the Government's statement that, while believing that adequate legislative effect is given to the provisions of the Convention, it is willing to examine the feasibility of implementing other measures leading to a more effective application of the Convention, with regard to particular shortcomings which the Committee of Experts might specifically indicate.

Accordingly, the Committee is addressing a direct request to the Government, in which it asks for further information and/or measures on a number of points.

The Committee trusts that the Government will be able to supply the information requested and to supplement its legislation in order to give full effect to the Convention, which has been the subject of comments for many years. In this connection, it hopes that the next report will indicate the progress made in the adoption of the draft conditions of employment for personnel on board referred to in its previous report.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Panama (ratification: 1971)

With reference to its previous observation, the Committee has noted, in the absence of a report, the information provided by a Government representative to the Conference Committee in 1985.

Article 1, paragraphs 1 and 2 of the Convention. The Committee notes that section 8 of Resolution No. 614-2570 ALCN of 31 August 1984 permits the competent authority to determine the extent to which the Convention will apply to certain categories of vessels including non-fishing vessels of less than 500 gross registered tons. It requests the Government to indicate the measures taken to determine which vessels among those mentioned under section 8 of the Resolution are to be regarded as sea-going vessels for the purposes of application of the Convention, taking into account the provisions of paragraph 1 of this Article.

Article 2(c). The Committee notes the statement by the Government representative to the Conference Committee that an autonomous National Vocational Training Institute had been created with its own budget allowing it to organise training courses on a priority basis. It requests the Government to provide information on the steps taken as regards the training and certification of catering staff.

Article 2(d). The Government is requested to indicate how the functions of research, education and information concerning methods of ensuring proper food supply and catering service are carried out.

Article 3. The Committee has noted that Cabinet Decree No. 6 of 1983 refers to consultation with regard to inspection (section 4). It requests the Government to indicate the manner in which co-operation is ensured also in matters concerning food and catering on board ship with the organisations of shipowners and seafarers and with national and local authorities dealing with food and health questions.

Article 5, paragraph 2(a). The Government is requested to indicate the measures taken under section 2 of Decree No. 6 of 1983, to issue regulations concerning the provision of food supplies in conformity with the Convention.

Article 6, Article 9, paragraph 3 and Point V of the Report Form. The Committee notes, from the Government representative's statement to the Conference Committee, that important progress had been made in inspection of food and catering facilities, which had been made part of the compulsory inspection carried out on matters of safety, and that a guide containing all the provisions of the Convention had been prepared for use in such inspections. The Committee further notes that statistical information on inspection was being compiled and would be provided. It hopes that the next report will contain full particulars on the activities and results of inspection referred to in the Articles and Point of the Report Form mentioned above.

Article 10. The Committee has noted that Cabinet Decree No. 6 calls for an annual report to be prepared, with copies to be made available to the interested parties and sent to the International Labour Office. The Committee hopes that the Government will forward copies of the annual report in question.

Article 12. The Government is requested to provide the information listed in the Report Form regarding any measures taken to give effect to this Article.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Peru (ratification: 1962)

Further to its previous comments and to the discussion which took place in regard to the application of the Convention in the Conference Committee in 1985, the Committee once again notes with regret from the Government's most recent report that no regulations concerning food and catering on board ships have been adopted. The Government has stated that the draft revised National Merchant Marine and Captaincy Rules, which is to give effect to the Convention, is in its final stage of adoption and will soon be submitted for approval. The Government has also referred again to a list of daily rations drawn up by the Naval Medical Centre, which still has no legal effect. As no effective action has been taken to implement the Convention since its ratification, the Committee can only reiterate its hope that the Government will take the necessary measures to ensure its full application within the very near future.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

* * *

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

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

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

Convention No. 71: Seafarers' Pensions, 1946

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

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

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

Convention No. 77: Medical Examination of Young Persons (Industry), 1946Dominican Republic (ratification: 1973)

The Committee notes the information communicated by the Government to the effect that a Minors' Code is in preparation. The Committee understands that as far as the subject-matter of the Convention is concerned this Code is intended to replace the draft regulations which have been under study for a number of years with a view to ensuring application of the Convention.

The Committee hopes that this Code will be finalised and adopted in the near future and that it will give effect to the following provisions of the Convention: Article 2, paragraphs 1 and 4 (thorough medical examination for employment and specification of the authority competent to issue the document certifying fitness for employment); Article 3 (medical supervision up to the age of 18 years); Article 4 (annual medical examination up to the age of 21 years in occupations involving high health risks); Article 6 (vocational guidance, physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations); Article 7 (methods of supervision for ensuring the strict enforcement of the Convention).

Ecuador (ratification: 1975)

The Committee has noted the information communicated by the Government to the Conference Committee in 1985 and in its report for the period ending 30 June 1985. It has noted in particular that the Government was considering the possibility of ensuring the application of the provisions of the Convention through the National Health Service. The Committee expresses the hope that it will thus be possible for the Government to take the necessary legislative action at an early date in order to give effect to the following Articles of the Convention: Article 2 (prohibition from admitting young persons under 18 years of age to employment or work in the undertakings and jobs covered by the Convention unless they have been found fit for the employment or work in question by a thorough medical examination); Article 3 (periodic supervision of fitness for employment by means of medical examinations repeated at intervals of not more than one year); Article 4 (periodic medical examinations until at least the age of 21 years in occupations involving high health risks); Article 6 (vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations).

* * *

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

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

Ecuador (ratification: 1975)

Articles 2, 3, 4 and 6 of the Convention. See under Convention No. 77.

Article 7, paragraph 2(a). Referring to its previous comments, the Committee once again requests the Government to indicate the measures of identification it considers adopting, in accordance with this provision, for ensuring the application of the system of medical examination for fitness to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public has access.

* * *

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

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

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

Convention No. 81: Labour Inspection, 1947

Articles 20 and 21 of the Convention. The Committee recalls the remarks contained in paragraphs 274 and 280 of its 1985 General Survey, where it stated that "although the ILO receives a fairly large number of annual inspection reports, half of the countries which have ratified Convention No. 81 and/or Convention No. 129 appear to have difficulties in fulfilling their obligations in this respect, either because they do not prepare annual reports, or because they do not transmit them to the ILO within the prescribed time limits". Regarding the content of such reports, the Committee went on to remark that "in ... countries with insufficient human and material resources ... the information is less complete" than provided for in Article 21 of the Convention. The Committee remarks that once again, on the occasion of its present exercise of examining governments' reports on the application of Conventions Nos. 81 and 129, it has been obliged to comment in a large number of cases on the unavailability, lateness, lack of publication in appropriate form (e.g. in either print or mimeograph, widely disseminated), or incompleteness of annual reports of labour inspection services. The Committee recalls the importance which timely and informative annual reports have for the assessment, at both national and international levels, of the effectiveness of

national labour inspection services in securing the enforcement of the relevant legal provisions and the effective implementation in practice of the two Conventions in question, as well as for the appreciation of any substantial problems arising in this connection. The Committee expresses the hope that governments which have ratified the Convention(s) will make an effort to publish and send to the ILO within the set time limits the annual reports of labour inspection services, containing all the information provided for in the Conventions.

Regarding the form of annual reports, the Committee has already suggested some ways of easing difficulties of a practical nature, when it observed in paragraph 277 of its 1985 General Survey that "in cases where there are difficulties of a financial nature in the publication of an annual report, recourse to inexpensive methods of printing - for instance roneoed or mimeographed inspection reports - should enable the requirements of the Convention to be met, provided that the reports are widely disseminated among the authorities and administrations concerned and among workers' and employers' organisations, and that they are placed at the disposal of all interested parties".

Bangladesh (ratification: 1972)

Articles 20 and 21 of the Convention. The Committee notes the annual reports on the application of the Factories Act, and the Payment of Wages Act for 1979, transmitted by the Government.

The Committee wishes to point out that in accordance with Articles 20 and 21, a report on all the activities of the labour inspectorate which contains, inter alia, statistics on the subjects listed in Article 21 should be prepared each year. It therefore trusts that the Government will not fail to take the necessary measures to ensure that in future such annual inspection reports are published and transmitted to the Office within the time limits set forth in Article 20.

Bolivia (ratification: 1973)

With reference to its earlier comments, the Committee notes the information furnished by the Government in its report and to the Conference Committee in 1984. According to this information:

Article 5 of the Convention. The Government has taken the necessary action to give statutory effect to the practice of co-operation between the various inspection services and between the inspectors and the employers and workers.

Article 6. The conditions of service of the inspection staff are governed by Act No. 11049 of 1973 respecting the administrative career. A bill has been prepared, however, under which the inspectors would be granted the status of public officials with the corresponding stability of employment and independence.

Article 10. Despite the economic difficulties affecting the country, the Government has taken measures to create a certain number of additional inspector posts.

Article 16. The Minister of Labour has given the inspectors instructions to visit workplaces systematically (independently of complaints and denunciations by the workers).

The Committee hopes that the Government will be able to furnish with its next report detailed information on the results of the action taken to give effect to the above-mentioned Articles of the Convention.

Furthermore, the Committee wishes to call the attention of the Government to the following points:

Article 11, paragraph 1. It is essential for the labour inspectors to have the necessary material facilities to be able to carry out their work effectively. The Committee therefore expresses the hope that the Government will not fail to take the necessary measures to furnish the inspectors with suitably equipped offices and adequate transport facilities.

Articles 20 and 21. The Committee points out that these Articles of the Convention provide for the publication by the central inspection authority of an annual report on the work of the inspection services containing a certain number of items of information and precise statistics, to enable the parties concerned (government, employers, workers, ILO, etc.) to evaluate the practical result of the work of labour inspection, and, more generally, the effective application of the labour legislation. The Committee therefore trusts that the Government will not fail to take the necessary measures to give effect to these Articles of the Convention and expresses the hope that in future, in accordance with the assurances given by the Government, full annual reports of inspection will be published and transmitted to the ILO within the periods laid down by Article 20 of the Convention.

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 11, paragraph 2, of the Convention. The Committee observes that the joint Order of 1981 of the Ministry of the Public Service, Labour and Social Security and the Ministry of Finance, referred to by the Government in its previous report, to fix the rates of the risk and hardship allowances paid to public servants, which also cover the travelling expenses of labour inspectors, has not been transmitted to the ILO. It hopes that a copy of this text will be enclosed with the next report of the Government.

Articles 20 and 21. The Committee regrets to note that since the ratification of the Convention one single report of inspection, that for 1969, which in any case covered only certain aspects of labour inspection, has been transmitted to the ILO. It trusts that the Government will not fail to take the necessary measures without delay so that in future annual reports on the

work of the inspection services containing all the information called for by Article 21 of the Convention shall be published and transmitted to the ILO within the periods laid down by Article 20.

Chad (ratification: 1965)

With reference to its earlier comments, the Committee notes the Government's statement that it will take the appropriate steps, when circumstances permit, to resolve the difficulties and problems involved in giving effect to the provisions of Articles 3 (paragraph 2), 7, 10, 11, 16, 20 and 21 of the Convention. It also notes that during the revision of the Labour Code, which is currently being carried out, the relevant sections of the Code will be modified in order to give effect to Articles 12, paragraph 2, and 13, paragraph (b), of the Convention.

The Committee would be grateful if the Government would provide information in its future reports concerning any progress achieved in giving effect to the above Articles of the Convention.

Colombia (ratification: 1967)

Articles 20 and 21 of the Convention. The Committee notes the periodical bulletins of the Ministry of Labour and Social Security (1983-85) containing statistics of inspection visits and of violations noted. It recalls that the Convention calls for the publication of annual reports of inspection including information on a number of subjects listed in Article 21 of the Convention. It therefore trusts that the Government will not fail to take the necessary measures to ensure that such reports are published and transmitted to the ILO within the periods laid down by Article 20.

Denmark (ratification: 1958)

Article 15(a) of the Convention. The Committee notes that no reply is contained in the Government's report to a direct request that the Committee has been making for a number of years. Thus, in 1984, the Committee had noted from the Government's report that the new administration act which was to give effect to the provisions of the Convention, under which labour inspectors were prohibited from having any direct or indirect interest in the undertakings under their supervision, was still in the stage of preparation. The Committee had asked the Government to indicate any progress made in this connection. The Committee reiterates its hope that the Government will, in its next report, keep it informed of progress made.

Dominican Republic (ratification: 1953)

Article 6 of the Convention. The Committee notes that the draft statute for the civil service, which the Government referred to in its

previous reports, has not been approved by the Senate of the Republic. It trusts that the Government will take the necessary measures so that appropriate legislative provisions guaranteeing labour inspectors stability of employment and independence in the exercise of their functions are adopted in the very near future.

Article 13, paragraphs 2(b) and 3. For many years the Committee has been urging the Government to amend the Labour Code with a provision explicitly providing labour inspectors with the right to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health and safety of the workers. It recalls that a preliminary Bill was formulated during the direct contacts missions which took place in 1977 and that another Bill was prepared in 1980 by the Secretariat of State for Labour.

The Committee notes with regret that no progress has yet been made in adopting the legislative measures which would give effect to the provisions of Article 13, paragraphs 2(b) and 3. It notes from the Government's last report that it even appears to have given up the idea of adopting such measures, as it considers that under sections 400, 401 and 403 of the Labour Code, the labour inspectors are provided with sufficient legal mechanisms to ensure the application of the provisions of the Convention. The Committee does not share this opinion and requests the Government to reconsider its position. It trusts that in its next report the Government will be able to indicate the adoption of a text which will give the labour inspectors the right to take measures of immediate executory force as envisaged in the Convention.

Article 14. The Committee wishes once again to draw the Government's attention to the fact that the labour inspectorate shall be notified not only of occupational accidents, but also of cases of occupational disease. It hopes that the Government will not fail to take the necessary measures soon to give effect to this Article of the Convention.

Articles 20 and 21. The Committee notes the statistics for 1984 transmitted by the Government in its report on the application of the Convention. It recalls that the annual reports on the work of the inspection services should be published and transmitted to the Office within the time-limits set forth by Article 20 and that these reports should deal with all the subjects listed under Article 21. It hopes that in the future the requirements of these Articles will be observed.

Finland (ratification: 1950)

The Committee has taken note of the adoption by the Council of State of the National Plan for Social Welfare and Health for the years 1986-90, which makes provision for occupational safety and health supervision.

The Committee also notes that, referring to its previous observations, the Government has stated that the working group set up by the Ministry of Social Affairs and Health to examine the development of district and local administration has completed its report, and has proposed several approaches for the development of the

matter. According to the Government, however, the report was not unanimous and its proposals have not yet led to any practical measures.

The Government has forwarded with its report the comments made by employers' and workers' organisations. The Finnish Employers' Confederation (STK) and the Employers' Confederation of Service Industries (CTK) have observed that the above-mentioned working group has proposed two alternative patterns for the development of labour inspection. The first alternative would be to develop the present organisation and transfer certain tasks to municipal labour inspection; the other would result in combining municipal labour inspection with government labour inspection. STK and CTK consider that the involvement of municipal inspection is preferable to the combination alternative, both as regards costs and functioning.

The Central Organisation of Finnish Trade Unions (SAK) refers to its previous comments, and considers that the development shown in accident statistics does not indicate any factual improvement in working conditions and safety but rather indicates insufficiency of resources and a change in the policies of the labour protection authorities. In SAK's view this implies placing workplace inspection in a secondary position - which it considers dubious for the application of the Convention. They further consider that government resources for labour inspection and administration are still insufficient and have not been increased during the period under review.

The Confederation of Salaried Employees (TVK) has drawn attention to the fact that a little more than a half of the wage earners at present work in finance, insurance or other service sectors. In TVK's view, on average only one out of ten workplaces in those fields is inspected annually. The organisation considers this development alarming.

The Committee hopes that the Government will keep all these matters under review with a view to the full application of the Convention, and requests the Government to keep the Committee informed of any measures taken to this effect.

France (ratification: 1950)

Articles 17 and 18 of the Convention. With reference to its previous observation, the Committee takes note of the Government's reply to the effect that a draft circular is being prepared concerning the powers of labour inspectors and supervisors, the methods of drawing up reports and relations with managements and public prosecutors. In order to place these technical instructions within the framework of a concerted policy with the Ministry of Justice, it is envisaged to draw up a common document defining the principles of co-operation between the Ministry of Justice and the Ministry of Social Affairs and National Solidarity.

The Committee hopes that the Government will be able to transmit the texts referred to above with its next report.

Greece (ratification: 1955)

Article 12, paragraph 1(c)(iv), of the Convention. With reference to its earlier comments, the Committee notes with interest the information transmitted by the Government to the effect that, in accordance with sections 30, 31 and 35(3) of the Act concerning the health and safety of workers adopted in September 1985, the inspectors can ask enterprises for facts and information concerning the production process and the materials used. The Committee hopes that the Act explicitly authorises the inspectors to take and remove for the purposes of analysis samples of materials and substances used or handled, as envisaged in this provision of the Convention.

Furthermore, the Committee requests the Government to transmit with its next report the text of the Act and copies of circulars concerning the orientation and co-ordination of the labour inspection service referred to by the Government in its report.

Guinea (ratification: 1959)

Article 13, paragraph 2, of the Convention. With reference to its earlier comments, the Committee notes the statement by the Government that it is envisaging the insertion in the new Labour Code of provisions conferring upon labour inspectors the power to order measures of immediate executory force in the event of imminent danger to the health and safety of the workers. It hopes that the Code will be adopted in the near future and will give full effect to this provision of the Convention.

Articles 20 and 21. The Committee notes that, according to the Government, the inspection services are currently undergoing profound modification and that a programme financed by the UNDP intended, inter alia, to strengthen the services is currently being implemented with the assistance of the ILO and of CRADAT. It expresses the hope that - in accordance with the assurances given by the Government - starting from 1986 it will be possible for annual inspection reports containing all the information called for by Article 21 of the Convention to be published and transmitted within the time limits set forth in Article 20.

Haiti (ratification: 1952)

Article 14 of the Convention. The Committee notes that under section 411 of the revised Labour Code, the labour inspectorate receives notification of employment accidents which are transmitted by the Occupational Accidents, Sickness and Maternity Insurance Office (OFATMA). Please state whether the inspectorate is informed of cases of occupational disease.

Articles 20 and 21. The Committee notes that neither the annual report of the General Labour Inspectorate for the 1980-81 period which, according to the assurances given by the Government, should be published in the review Prévention, nor the reports for 1982-84, have yet been received by the Office. It trusts that the Government will

not fail to take the necessary measures so that in the future annual inspection reports containing information on all the subjects listed in Article 21 are published and transmitted to the Office within the time limits set forth in Article 20.

Iraq (ratification: 1951)

Article 15(a) of the Convention. In reply to the comments that the Committee has made for many years, the Government states once again that draft regulations respecting the labour inspectorate, which are currently being drawn up, will give effect to this provision of the Convention. The Committee trusts that this draft will soon be adopted and that it will prohibit inspectors, as required by this provision of the Convention, from having any direct or indirect interest in the undertakings under their supervision.

Articles 20 and 21. The Committee notes the statistics supplied by the Government with its report. It also notes the Government's statement that this data is available at the Statistical Office. In this connection, the Committee wishes to point out once again that annual inspection reports, containing, inter alia, detailed information on the subjects listed in Article 21, shall be published, so that they are available to the interested parties (various national authorities, occupational organisations of employers and workers, ILO, etc.), at the latest within 12 months of the end of the year to which they relate. It therefore once again expresses the hope that the Government will take the necessary steps so that in future the time limits set forth for the publication of these reports and their transmission to the Office, as stipulated in Article 20, shall be respected.

Ireland (ratification: 1951)

Article 3 of the Convention (in conjunction with Article 5(b)). With reference to its earlier comments, the Committee takes note of the report of the Commission of Inquiry on Safety, Health and Welfare at Work. It would be grateful if the Government would keep it informed of developments concerning the implementation of the recommendations contained in this report, and particularly those concerning the collaboration between labour inspectors, employers and workers.

Jamaica (ratification: 1962)

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

Article 13, paragraphs 2(b) and 3, of the Convention. The Committee notes with regret that no progress has yet been made to give effect to these provisions of the Convention (measures with immediate executory force in the event of imminent danger). It

points out that, in its report on the application of the Convention for the period ending 30 June 1971 and, in 1983, before the Conference Committee, the Government stated the opinion that legal proceedings represented the most appropriate machinery in this connection. The Committee can only renew its hope that the Government will draw up the required provisions allowing the labour inspectors the right to appeal to the judicial authorities so that, in the event of imminent danger for the safety and health of workers, these authorities may take measures with immediate executory force.

Article 14. The Committee notes with interest, from the Government's report, the adoption in 1983 of the Quarries Control Act, which provides for the reporting of industrial accidents and occupational diseases. It would be grateful if the Government would attach a copy of this text to its next report.

The Committee also notes that a parallel act regarding mines is in preparation. It hopes that this will soon be adopted and requests the Government to indicate, in its next report, the progress made in this connection.

Japan (ratification: 1953)

The Committee has taken note of the comments on the application of the Convention by the Japanese Confederation of Labour (DOMEI) made on 3 October 1984 and by the General Council of Trade Unions of Japan (SOHYO) made on 5 November 1984, as well as of the Government's observations on these comments.

DOMEI considers that the Government actions in the field of prevention of industrial accidents, guidance and education concerning health are insufficient mainly because the employers' notifications are inadequate.

The SOHYO comments focus on administrative practices to enforce the relevant legislation, which it considers ineffective. It states that labour inspection is quantitatively and qualitatively rather restricted. SOHYO states that despite the Government's promise to improve administration, there still exists a shortage of labour inspectors, especially those with an adequate educational background to deal with high technology production processes, and an insufficient number of experts on industrial safety and health. Furthermore it considers that the industrial accidents statistics are not reliable and exclude numerous facts "hidden" by the employers.

In reply to these comments the Government refers to action taken by the inspectorate to implement the provisions of the Industrial Safety and Health Law and adds that the criteria for examination of employers' notifications are reviewed in order to meet changes in work behaviour and methods of manufacturing. It states that the Ministry of Labour has been carrying out research on a new workers' protection act in response to changes in the social and economic situations and introduction of new technologies, etc. The Government has been endeavouring further to improve the labour inspectorate through increasing the number of labour inspectors and expert officers, the

recruitment of persons with advanced technical knowledge and the organisation of appropriate training courses for inspectors. As far as the statistics are concerned, the Ministry of Labour has been publishing the Industrial Injuries Statistics which are mainly based on the Worker's Accident Compensation Insurance Benefit Data. The Government has given firm instructions to the employers to eliminate so-called "hidden injuries", the number of which is not, however, so large as to affect the credibility of the statistics.

The Committee has taken note of the observations supplied by the Government in reply to the comments submitted by DOMEI and SOHYO. It would be grateful if the Government would include in its next report further information on the following points:

- (a) the total number and the number of newly recruited labour inspectors and expert officers in industrial safety and industrial health;
- (b) the allocation of the inspectors and experts between the central and prefectural offices;
- (c) details of the technical standards for recruitment for the inspection services;
- (d) the number of workplaces liable to inspection and the number of inspection visits during the last year;
- (e) detailed information on the functioning of the Prefectural Labour Standards Councils.

Jordan (ratification: 1969)

Articles 11(2), 12(1)(a), (b) and (c)(iv), 13, 14 and 15 of the Convention. In reply to the Committee's earlier observations, the Government states that provisions to give effect to these provisions of the Convention are included in the draft new Labour Code which will be submitted to the Council of the Nation. The Committee notes that it has been pursuing this matter over a number of years, and expresses the firm hope that it may soon be informed of the adoption of the Code and receive a copy of it.

Articles 20 and 21. The Committee trusts that it will in the future receive, within the time-limits provided for in Article 20, copies of the annual reports of labour inspection services containing all the information provided for in Article 21.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes with satisfaction the adoption of the Decision of the Secretary of the General People's Committee of the Public Service No. 163 of 1985 which gives effect to the following Articles which were the subject of its earlier comments: Article 12, paragraph 1(a), of the Convention (the right of inspectors to enter workplaces liable to supervision by the inspectorate at any hour of the day or night, and, in particular, outside working hours); Article 12, paragraph 1(b) (the right of 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) (the right of

inspectors to remove samples); Article 13, paragraphs 2 and 3 (the power of inspectors to make orders requiring preventive measures immediately, or within a specified time-limit, in the event of danger to the health or safety of the workers); Article 14 (notification of cases of occupational disease to the labour inspectorate); Article 15(c) (the confidential nature of complaints).

Articles 20 and 21. The Committee notes that no annual report on the work of the labour inspectorate has yet been transmitted to the Office. It trusts that the Government will not fail to take the necessary measures to ensure that such reports, containing information on all the subjects listed in Article 21, are published and transmitted to the Office within the time limits set forth in Article 20.

Malawi (ratification: 1965)

Articles 20 and 21 of the Convention. The Committee notes with regret that since 1967 no report on the work of the inspection services has reached the Office. It trusts that the Government will take the necessary measures to ensure that in future, reports containing information on all the subjects listed in Article 21 are published and transmitted to the Office within the time limits set forth in Article 20.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Mauritania (ratification: 1963)

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

The Committee 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 10 and 16 of the Convention. The Committee notes the Government's statement that the number of labour inspectors available is not enough to inspect adequately all the relevant workplaces and

requests the Government to keep it informed of future developments in this respect.

Articles 20 and 21. The Committee notes the Government's statement, in reply to its earlier observation, that efforts are being made to publish the annual reports that are in arrears. Copies of the 1980 annual report that has been published have been received by the Committee, and the information contained therein has been noted with interest. The Committee trusts that future reports will be published and sent to the ILO within the time limits provided for in Article 20 of the Convention, and that they will contain all the information provided for in Article 21, including statistics of workplaces liable to inspection and the number of workers employed therein, in conformity with subparagraph (c) of Article 21.

Pakistan (ratification: 1953)

In its observation of 1984, the Committee had noted with regret that the Government considered it inopportune to amend the national legislation with a view to giving full effect to Article 12, (paragraph 1), 13, 14 and 15 of the Convention which have been the subject of its comments over many years. It then requested 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.

In the absence of the Government's reply to the previous comments the text of the direct request, which was made in 1984 and 1985, is reproduced below:

1. The Factories Act, 1934

Article 12, paragraph 1(c)(iv). In reply to the Committee's previous comments, the Government again indicates that section 11(c) of the Factories Act accords inspectors wide powers which implicitly include powers to take samples of products, materials and substances as required by this provision of the Convention. It adds that the employers are satisfied with this provision, have never made any complaints against it and that, therefore, the Government does not consider it necessary to amend it. Whilst noting this statement, the Committee can only insist once more that the Government, with a view to avoiding all ambiguity and possible objections in this respect, include a provision in the Factories Act dealing explicitly with the right of inspectors to take samples.

Article 14. In its previous request, the Committee drew the attention of the Government to the fact that section 33N of the Factories Act and the rules for its application adopted by provincial governments, particularly that of Punjab, provide for the inspection services to be notified only in cases of occupational accidents, and not in cases of occupational diseases. The Government indicates that this observation has been noted; the Committee therefore trusts that the Government

will shortly take the necessary measures to amend the Factories Act with a view to providing also for the reporting of occupational diseases to the labour inspection services.

Article 15(c). In its report for the period 1979 to 1981, after referring to section 5(1) of the Official Secrets Act as a means of giving effect to this provision of the Convention, the Government indicated that instructions had been given to the provincial governments to ensure that inspectors comply in all cases with the provisions of Article 15(c) of the Convention. The Committee again requests the Government to supply the text of these instructions.

2. Shops and Establishments Act, 1969

Article 12, paragraph 1(c)(iv), Article 13 and Article 14. The Government indicates once again that the discretionary powers accorded to inspectors under section 26 of this Act include the power to take samples (Article 12(c)(iv)) and to make orders requiring preventive measures to remedy defects (Article 13). In this case also, the Committee considers it necessary, in order to avoid any possible doubt or misinterpretation, to include specific provisions to this end in the national legislation. It therefore hopes that the Shops and Establishment Ordinance, 1969 will be amended in the near future so as to give explicit effect to Articles 12(c)(iv) and 13 of the Convention, and that the opportunity will be taken of including a provision whereby the labour inspectorate must be notified of industrial accidents and cases of occupational diseases, in accordance with the provisions of Article 14 of the Convention.

3. The Road Transport Workers' Ordinance, 1961

Article 12, paragraph 1(a) and (c)(i). In reply to the Committee's previous comments, the Government again indicates that section 9 of the above-mentioned Ordinance contains nothing to prohibit inspectors from freely entering establishments or from interrogating the staff of the undertaking. It adds that neither workers nor employers have ever submitted any complaint against the Ordinance and as such, the Government does not consider it necessary to amend it. The Committee can only urge the Government to adopt specific provisions giving effect to these provisions of the Convention, in order to avoid all possible objection.

Article 15. The Committee notes with regret that the report contains no replies to its earlier comments drawing the attention of the Government to the fact that the Shops and Establishments Act of 1969, the Payment of Wages Act of 1936 and the Road Transport Workers' Ordinance of 1961 contain no provision giving effect to clauses (a), (b) and (c) of Article 15 of the Convention.

The Committee recalls that the Occupational Secrets Act of 1923, referred to by the Government in its report for the period 1979-81, contains no provision giving effect to clause (a) of

Article 15 of the Convention, which prohibits labour inspectors from having any direct or indirect interest in the undertakings under their supervision. As regards the other provisions of Article 15, the Committee considers it necessary to supplement the Occupational Secrets Act of 1923 by instructions for inspectors that require them, firstly, not to reveal any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties (clause (b)) and, secondly, to treat as absolutely confidential the source of any complaint and to give no intimation to the employer that a visit of inspection was made in consequence of the receipt of a complaint (clause(c)). The Occupational Secrets Acts is in fact intended to protect the public interest and not that of private undertakings. The Committee hopes that the Government will re-examine the question in the light of the above comments and that it will take the necessary measures to ensure the full application of Article 15, clauses (a), (b) and (c).

Articles 20 and 21. The Committee has noted the information contained in the consolidated annual reports on the working of labour legislation for the years 1978 and 1979. It has pointed out that these reports - like the previous reports - contain no statistics on the inspection staff enforcing the Factories Act, and most of the other legislation, and that this conflicts with the provision contained in clause (b) of Article 21.

The Committee hopes that the reports for 1980 and 1981 will be published at an early date and transmitted to the ILO, that they will contain all the information requested under Article 21 of the Convention, and that in future the deadlines established in Article 20 of the Convention will be observed.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Paraguay (ratification: 1967)

Article 21 of the Convention. The Committee takes note of the report of the Ministry of Justice and Labour for 1984. It notes that this report contains little information on the work of the labour inspectorate and that the statistics envisaged in Article 21 are not included. It hopes that the Government will take the necessary measures to ensure that in future, information on all these subjects listed in Article 21 are included in the annual report of the Ministry or that they are published in a separate report concerning the work of the inspection services,

Romania (ratification: 1973)

Articles 20 and 21 of the Convention. The Committee notes with regret that since the ratification of the Convention no report on the work of the inspection services has yet been transmitted to the Office. It trusts that the Government will not fail to take the necessary

measures so that such reports containing information concerning the subjects listed in Article 21 are published and transmitted to the Office within the time limits set forth by Article 20.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Sierra Leone (ratification: 1961)

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

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 that annual inspection reports are published containing all the information called for in Article 21.

Switzerland (ratification: 1949)

Following its previous comments, the Committee notes with satisfaction the adoption of the Ordinance on the prevention of accidents, 1983, which, in section 62, paragraph 2, contains the executory provisions of section 86 of the Accident Insurance Act, 1981, concerning measures with immediate executory force in the event of danger to the life and health of the workers and therefore gives effect to Article 13, paragraphs 2(b) and 3 of the Convention.

United Republic of Tanzania (ratification: 1962)

Articles 20 and 21 of the Convention. With reference to the comments which the Committee has been making for a number of years, the Government reports that there has been no change in the situation. The Committee can only express the firm hope that measures will be taken to publish and send to the ILO, within the time-limits provided for in Article 20 of the Convention, annual reports containing all the information provided for in Article 21.

Uganda (ratification: 1963)

Articles 20 and 21 of the Convention. The Committee notes with interest the efforts made to publish the annual reports of the Ministry of Labour for 1977 and 1978 (which have been received by the Committee), though the information contained therein is still incomplete with respect to some of the items provided for in Article 21 of the Convention. The Committee trusts that the Government will

pursue its efforts in this respect, and that it will be able in the future to publish and communicate to the ILO such reports 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 notes the Government's reply to its earlier observation. According to this reply, recruitment to the factories inspectorate had been curtailed between 1979 and 1983, by financial constraints but late in 1983 the Health and Safety Executive agreed to a renewed policy of recruitment to restore the number of the general inspectorate over a period of years to about 625. Since then, 51 general inspectors and 31 specialist inspectors have been recruited for training and it is expected that by 1988 there will be a further 25 general inspectors and 10 specialist inspectors taken on. The Committee also notes that additional information contained in the Government's report: (a) gives a breakdown of inspection staff at the factory inspectorate as comprising 575 general inspectors and 206 specialist inspectors at 30 June 1985; (b) indicates that mines and quarries inspectors numbered 102 at the same date; (c) reports the total number of full-time wages inspectors as being 120 at 30 July 1985; and (d) shows an increase of seven health and safety inspectors in Northern Ireland since 30 June 1983.

The Committee observes:

- (a) the overall numbers in question seem to remain significantly below those in post on 1 July 1979 (viz. 684 general factory inspectors, 214 specialist factory inspectors, 115 mines and quarries inspectors, 161 wages inspectors according to the Government's reports at the time);
- (b) the Health and Safety Commission (HSC) report 1983-84 shows (page 25) that the decline in the number of visits has continued, is now almost 13 per cent below the level of 1979 and 1980 and this is considered to be again, as in past years, almost exactly in line with the fall in numbers of inspectors;
- (c) the figures referred to are to be set against the complex background of the different factors set forth in Article 10 of the Convention. For instance, the HSC report 1983-84 mentions (page 3) the need to look closely at a number of trends in society which were not so evident ten years ago (continuing decline in primary manufacturing industry, accompanying increase of the number of small firms often in high technology fields, corresponding replacement of individual large units by a multiplicity of small ones and consequent difficulties for inspection policies), against which it is in a position to point out significant achievements in the field of health and safety which are the result of a complex set of activities of which inspection visits are a part.

The Committee has also received comments made by the Trades Union Congress (TUC), on the Government's report. These comments were communicated on 9 January 1986 to the Government for its observations.

The Government has replied on 3 February 1986 that it has no observations to make on the TUC comments and is content for the Committee of Experts to consider them in the light of the measures taken to implement the Convention which are set out in the Government's report. As regards Article 10 of the Convention, the TUC observes that it is true that the recruitment to the factory inspectorate has been resumed on a modest scale but this should be considered in conjunction with restrictions in recruitment imposed since 1979. The TUC then provides a copy of minutes of a meeting with the responsible minister and adds a remark to say that due to successive staff reductions "the Health and Safety Executive was 20 per cent below strength". The TUC points out that there has been a steady expansion in the responsibilities of the Labour Inspectorate, and concludes by quoting from an official HSC document that "although inspections are now a rare event in many firms, it still has a salutary effect and needs to be organised". In the TUC's view, this latter point illustrates that the principle of regular basic inspections of workplaces is not applied in the United Kingdom.

The Committee trusts that the Government will continue to keep it informed in detail of developments in this field, having due regard to the functions of the system of labour inspection as set out in Article 3 of the Convention, and providing detailed information with respect to all the factors provided for in Article 10, for all inspectorates coming under the scope of the Convention in both Great Britain and Northern Ireland.

* * *

The Committee has also received observations from the TUC dealing with the application of Articles 7, 18 and 19 of the Convention. The Committee is dealing with these latter observations in a direct request.

Yugoslavia (ratification: 1955)

With reference to its earlier comments the Committee notes with satisfaction, from the information provided by the Government, that in the republics and provinces where the legislation had not given effect to Articles 14 and 15(c) of the Convention (notification of industrial accidents and occupational diseases and confidential nature of complaints) the laws on safety at work and the laws on labour inspection have now been supplemented in order to ensure the full application of these Articles of the Convention.

The Committee also notes that, according to the Government's report, all the republican and provincial organs in charge of labour affairs have adopted rules of procedure for the purpose of implementing the provisions of the legislation on safety at work.

Zaire (ratification: 1968)

Articles 20 and 21 of the Convention. The Committee notes that, since 1979, no report of the labour inspection services has reached the Office. It hopes that the annual reports for 1980-83 will soon be sent and requests the Government to take the necessary measures so that in the future these reports, containing all the information called for by Article 21, are published and transmitted to the Office within the time limits set forth in Article 20.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Comoros, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, France, Gabon, Federal Republic of Germany, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, India, Ireland, Israel, Jamaica, Japan, Kenya, Kuwait, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, New Zealand, Panama, Paraguay, Peru, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Yemen, Zaire.

Information supplied by Guatemala, Luxembourg, Malawi, the Netherlands and Norway in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: Fiji, Mauritania.

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.

Equality of treatment requires that account be taken of the different situations and living conditions that have been determined by history in the different areas of economic and social relations. To judge all countries according to criteria which are relevant to only one socio-economic system necessarily involves a risk of inaccurate evaluations being made, and consequently of favouring one group of countries and prejudicing others.

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

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 contain 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 observations of the General Confederation of Labour (CGT) on the application of the Convention and of the fact that the Government has not yet sent its comments on these observations. The Committee requests the Government to transmit its comments in order to be able to examine the situation in full knowledge of the facts.

Bulgaria (ratification: 1959)

The Committee takes note of the Government's report. It notes in particular the details supplied respecting the translation of the Labour Code into French. The Committee points out to the Government that, in its earlier comments, it has always referred to the Labour Code of 1951 (Ukase No. 544 of 13 November), as amended in 1957 (Ukase No. 466 of 6 November). The Government refers in its report for the first time to the translation of the 1951 text, which it considers incorrect, and offers as a correct translation a version that incorporates the amendments introduced by the 1957 text. The Committee points out that this last text has also been published and that the translation accepted by the Government is the translation that has always been used by the Committee.

The Committee takes note of the information supplied by the Government on the subdivisions of the occupational organisations. Referring to its earlier comments, the Committee notes from the report that under section 7(1) of the Labour Code, the Central Directorate of Trade Unions, the individual trade unions and the trade union organisations obtain legal personality without formalities and that this applies to any future trade union and any future central

directorate. It also notes that the various trade union organisations existing in the country are grouped into a confederation of trade unions and that other confederations could be set up in the future.

The Committee observes, however, that wide powers are conferred on the Central Council of Bulgarian Trade Unions, in respect of labour protection, labour inspection, state social insurance (Act of 30 June 1973 and Decision No. 15 of 12 May 1973, Decision No. 57 of 13 June 1962, Regulations of 17 April 1967, etc.) and safety and health in the undertaking (Ordinance of 25 March 1960, etc.). It therefore seems to the Committee that any other bodies wishing, on the initiative of the workers, to set up another confederation (for the purpose of associating trade unions), would be confronted by the prerogatives enjoyed by the existing confederation and would not be able to carry on the normal activities of defending the interests of its members.

The Committee considers that these provisions are likely to make it impossible in practice to set up trade union organisations outside the established structure.

Since the Central Council seems to enjoy exclusive powers under the law, the Committee requests the Government to indicate the role and the functions that another trade union structure would have in these conditions if the case should arise.

Burkina Faso (ratification: 1960)

The Committee takes note with satisfaction of the repeal of the text that has been the subject of its earlier comments, namely Ordinance No. 82-003-CMRPN-PRES of 14 January 1982 concerning the procedure for settling collective labour disputes, which governed the right to strike in the country, a repeal effected by Ordinance No. 83-014/CSP/PRES, which brings back into force the previous provisions. The Committee takes note, however, of the reports of the Committee on Freedom of Association on Case No. 1266 approved by the Governing Body at its 228th Session (November 1984) and its 231st Session (November 1985), to which the Committee on Freedom of Association has drawn its attention.

The Committee observes in particular that after a peaceful protest strike lasting 48 hours the teachers who had participated were dismissed and so lost their status as members of their trade union. The consequences suffered by the workers as a result of the strike represent, in the opinion of the Committee, an infringement of the rights set forth in Articles 3 and 10 of the Convention and of the respect that the legislation appeared to ensure for these rights. The Committee points out that it has noted in the past some legislative problems involving restrictions on the right to strike. The Committee observes that in the case analysed by the Committee on Freedom of Association, there are practical difficulties affecting the right of trade union members to carry on their trade union activities, particularly the right to strike, which is provided for and regulated by the labour legislation of Burkina Faso.

The Committee expresses its concern over the situation examined by the Committee on Freedom of Association in Case No. 1266; it

therefore requests the Government to state how it intends to ensure that the provisions of the labour law are respected in future and to supply information on the practical application on the Convention (see the comments under Convention No. 98).

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Cameroon (ratification: 1962)

The Committee takes note of the report of the Government and of the information supplied in reply to its comments.

The Committee points out that these related to the following matters:

1. Under section 4(2) of Order No. 24/MTLS/DEGRE of 27 May 1969, a central trade union organisation may not establish and register more than one first-level trade union for the same branch of activity within a particular geographical area. The Committee observes that the aim of such provisions is to establish a single trade union system through legislation, which is incompatible with the Convention. As it points out in its General Survey submitted to the 69th (1983) Session of the International Labour Conference, particularly in paragraphs 134 and 138, the Committee considers that trade union monopoly imposed by law, whether directly or indirectly, conflicts with the principle set forth in Article 2 of the Convention concerning the freedom of workers and employers to establish and join occupational organisations of their own choice, which must remain possible in all cases.

Furthermore, the Committee notes that certain of the obligations concerning trade union membership in the Code appear to it to be excessive:

- section 7: being in paid employment at the time of joining or for a year so as to be able to remain a member of a trade union;
- section 10(2): the requirement that foreigners must have resided in Cameroon for the previous five years;
- section 10(3): the requirement that trade union administrators or leaders to be of Cameroon nationality.

The Committee draws the Government's attention to the incompatibility of these provisions with the terms of the Convention, under which workers, without distinction whatsoever (with the exceptions of the armed forces and the police), must be able to establish the trade unions of their own choosing.

The Committee takes note of the information contained in the report of the Government to the effect that Act No. 68/LF/19 of 18 November 1968 permits employees of the public service to form professional associations but that they have not made use of the opportunity to do so. The Committee points out that this Act provides that the formation of such a body may take place in accordance with Act No. 67/LF/19 of 12 June 1967 concerning freedom of association (section 1). The Committee observes, however, that under section 2, the legal existence of such bodies is made subject to approval by the Minister of Territorial Administration. In the absence of trade unions representing this category of workers, the

Committee requests the Government to state whether the Minister has already refused to approve the establishment of an association of public servants and, if so, to state the reasons given for the refusal.

The Committee points out that by virtue of Article 2 of the Convention it must be possible to establish organisations without previous authorisation and that any procedure for registration or approval must be confined to the verification of formal conditions and that in this respect there should be available an appeal to independent courts. The Committee therefore requests the Government to state whether there exists under the procedure for approval laid down in Decree No. 69/DF/7 of 6 January 1969 (issued under Act No. 68/LF/19) imposed on associations or unions, which are not governed by the Labour Code, an opportunity to appeal to the courts in the event of refusal by the Minister.

2. With regard to the right of trade unions to organise their administration and activities, provided for by Article 3 of the Convention, the Committee has already observed that the administrative authorities have the power of prohibiting the exercise of the right to strike by virtue of section 165(3) of the Labour Code and section 2 of Decree No. 74/969 of 3 December 1974 laying down the procedure for giving effect to that provision in any vital sector of economic, social or cultural activity. In the opinion of the Committee, this provision is open to excessively wide interpretation and grants the administrative authorities latitude to determine in every case that the sector in which the workers are on strike is vital, which may result in a complete prohibition of the right to strike.

Furthermore, with regard to the provisions of Chapter II of Title IX of the Labour Code concerning collective disputes, it seems to the Committee that it is only after the arbitration award has been communicated to the parties (section 171) and the workers have declared their opposition to this award, that they may embark on action, such as a strike, in support of their claims. The Committee requests the Government to state whether this interpretation is correct and to give information on the application in practice of the provision. The Committee also observes that section 3 of Decree No. 74/969 mentioned above enables the competent administrative authorities to order the return to work of workers of a vital sector of economic, social or cultural activity who are involved in a strike declared before, during or after the conciliation and arbitration procedure provided for by the Labour Code has been set in motion. The Committee is of the opinion that this provision is likely to put an end to the only possibility of going on strike left by section 171 of the Code and to prohibit all strikes in the country.

The Committee points out that the right to strike is one of the essential means available to workers for promoting and defending their economic and social interests, that any restrictions placed on its exercise must concern only the public service and essential services within the strict meaning given to them by the Committee at paragraph 214 of its General Survey and that any such restrictions must be accompanied by appropriate guarantees to protect the interests of the workers and, in particular by adequate, impartial and speedy conciliation and arbitration procedures.

The Committee therefore requests the Government to take the necessary measures to ensure that the notion of vital sector is defined officially and restricted to the services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee trusts that the Government will reconsider the position relating to all the points raised in the light of its comments and that the appropriate amendments will be made in the near future to the relevant legislation.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Central African Republic (ratification: 1960)

The Committee takes note of the information supplied by a Government representative to the Conference Committee in 1985 and of the discussion that followed. The Committee has also studied the definitive conclusions reached by the Committee on Freedom of Association in respect of Case No. 1040 in its report approved by the Governing Body at its 231st Session (November 1985).

1. As it has pointed out in its earlier comments, the Committee observes that, following the dissolution by administrative authority of the UGTC on 16 May 1981, a general suspension of trade union activities, known as the "trade union truce", was decided on in September of the same year. The Committee also notes the Government's statement that it will re-establish a situation in which trade union activities can be carried on normally when it considers that the time has come. Before the dissolution of the UGTC, however, another central trade union organisation, the CNTC, was recognised by the authorities and two others were established in 1981 though they have not been registered to this day.

The Committee draws the attention of the Government to the wording of Article 11 of the Convention, under which all necessary and appropriate measures must be taken by a State that has ratified the instrument to ensure that workers and employers may exercise freely the right to organise.

It is clear from the discussion at the Conference and from elements of Case No. 1040 that, in the present situation, workers cannot establish organisations of their own choosing, in accordance with Article 2, without previous authorisation, since for the past five years no central trade union organisation other than the CNTC has received approval from the authorities. The Committee notes that, according to the Government, this is due to the fact that a routine inquiry on the morality of the leaders of the applicant unions, in accordance with the legislation on associations, is still going on. The Committee requests the Government to supply a copy of the legislative text on associations. The Committee points out, however, that where a procedure for registration of the rules is provided for by law it should neither amount to a requirement of "previous authorisation", nor be such as to call in question the free establishment of organisations.

Furthermore, the suspension of all trade union activities in the country since 1981 is in violation of the principles of the Convention. The Committee points out that workers' and employers' organisations should have the right to organise their activities and to formulate their programmes in full freedom. The Committee therefore requests the Government to take the necessary measures to remove these restrictions and to ensure that the procedure for the registration of trade unions that is at present being put into effect is brought to an end shortly and that it will be confined to simple verifications of form to ensure the normal running of the organisations.

With regard to the dissolution of the UGTC, the Committee points out that by virtue of Article 4 workers' and employers' organisations should not be dissolved or suspended by administrative authority. Presidential Decree No. 81/216 of 16 May 1981 dissolving the UGTC therefore sets an administrative rule that is incompatible with the Convention and constitutes the extreme form of intervention by the authorities in the activities of the organisations. In view of the gravity of the measure, the Committee emphasises that a decision of this nature should entail the right of appeal to the courts, whose procedure should have a suspensory effect, enabling the judges to examine the substance of the case and to study the reasons given for the dissolution. Furthermore, the property of a dissolved organisation should be temporarily placed in trust and finally be distributed among the members of the organisation or transferred to the organisation which succeeds it, on the understanding that this should be an organisation pursuing the same aims in the same spirit.

The Committee therefore requests the Government to supply information on the fate of this property and on any court decision that may be handed down in the matter.

The Committee trusts that the Government will do everything possible to restore the exercise of freedom of association in the country in the near future.

2. The Committee also points out that certain provisions of the 1961 Labour Code should be brought into conformity with the provisions of the Convention. The sections in question are the following:

- section 10: the members of the executive committee of a trade union must have belonged to the occupation for five years;
- section 22: collective agreements must be discussed by delegates of employers' or workers' organisations "belonging to the occupation or occupations concerned";
- section 6(2): restrictions are placed on the trade union rights of foreigners.

The Government sent with its previous report a draft ordinance whose adoption would have made it possible to bring the provisions that have been the subject of comments by the Committee since 1963 into conformity with the Articles of the Convention. The Committee regrets to observe that the Government makes no mention of this draft in the present report and hopes that it will be adopted in the near future. The Committee requests the Government to supply a copy of the text as soon as it is promulgated.

The Committee also requests the Government to state whether there are provisions in laws or regulations governing the right to strike.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Congo (ratification: 1960)

The Committee takes note of the report of the Government and of the discussion that took place in the Conference Committee in 1985 on the application of the Convention.

The earlier comments of the Committee related to the question of the trade union monopoly established by the legislation, namely section 173 of the 1975 Labour Code, the modalities being laid down by Ministerial Order No. 78.08 of 21 December 1976. Under section 173, first-level unions and unions in undertakings are governed by the rules of "the trade union organisation", it being understood from the report of the Government for 1979 that this means the Congolese Trade Union Confederation. The Committee has further pointed out that this organisation receives, by virtue of Decree No. 73/167/MJT of 18 May 1973, a percentage of the basic monthly wage that each worker in the country must pay as trade union dues. As the Committee has pointed out earlier, this situation under the law conflicts with Article 2 of the Convention, which proclaims the freedom of workers to establish and to join organisations of their own choosing.

The Committee takes note of the statement by the Government representative to the Conference Committee to the effect that the single trade union system results from the common will of the workers and from political, economic and historical developments, the Government having merely confirmed the will of the workers.

The Committee refers to its General Survey submitted to the 69th (1983) Session of the International Labour Conference, particularly paragraphs 134, 136 and 137, in accordance with which the principle of Article 2 is not intended as an expression of support either for the single trade union system or for that of trade union pluralism but it does at least imply that this pluralism must be possible in all cases. The Committee points out that a situation of de facto trade union monopoly as a result of the will of the workers must not be institutionalised by the law, since the workers must be able to safeguard their freedom to set up, should they so wish in the future, unions outside the established trade union structure.

The Committee notes that the Government has indicated its intention to reconsider the question of the institution of the check-off system for the benefit of the Congolese Trade Union Confederation. It trusts that measures will be adopted in the very near future to abolish this obligation placed on all workers for the sole benefit of one trade union organisation.

With regard to trade union monopoly, the Committee requests the Government to ensure that the above-mentioned legislative provisions are also re-examined with a view to bringing the legislation into conformity with Article 2.

Cuba (ratification: 1952)

In its previous comments the Committee observed that the express mention of the Workers' Central Organisation of Cuba in the legislation could impede the creation of another central organisation if the workers so wished (section 3 of Legislative Decree No. 3 of 1977).

The Committee notes that, on 28 December 1984, a new Labour Code was adopted and came into force on 26 July 1985.

In its previous report, the Government repeated its statements on the historical background against which the trade union movement had been established in the country and referred to the freedom of workers to join unions without previous authorisation and to meet freely on questions that concern them (sections 1 and 2 of Legislative Decree No. 3 of 1977).

The Committee notes with interest that the final provisions of the new Labour Code repeal Legislative Decree No. 3 of 1977 and that section 15 of the Code, although it still mentions the Workers' Central Organisation, no longer describes this organisation as being the expression of the unity of Cuban workers.

The Committee observes, however, that Cuban legislation apparently continues to confer on the Workers' Central Organisation the monopoly of representing the workers of the country before the State Committee on Labour and Social Security of the Ministry of Labour, since section 61 of Legislative Decree No. 67 of 19 April 1983, which is not expressly repealed by the new Code, provides that this Committee shall carry out its functions, in particular those relating to the adoption of wage policy and the application of state policy in respect of labour law, in close co-ordination with the Workers' Central Organisation of Cuba.

The Committee wishes to point out that, even where a de facto monopoly exists as a consequence of the grouping together of all the workers, legislation should not institutionalise this factual situation by designating the single central organisation by name, even if the existing trade union so requests. Even in a situation where all workers have preferred at some point to unify the trade union movement, the legislation should safeguard their right to set up, should they so wish in the future, higher level unions outside the established trade union structure. (See paragraph 137 of the General Survey on freedom of association and collective bargaining submitted by the Committee of Experts in 1983.)

The Committee requests the Government once again to indicate the additional measures which could be taken, or which might be envisaged to eliminate from the legislation the specific reference by name to the Workers' Central Organisation.

Denmark (ratification: 1951)

In its previous observation the Committee had examined questions brought to its attention by the Danish Federation of Trade Unions (LO) and the Salaried Employees' and Civil Servants' Confederation (FTF) concerning alleged limitations on collective bargaining and the right

to strike. The Committee is pursuing its examination of the matters relating to collective bargaining under Convention No. 98.

The Committee has taken note of the Act (No. 123 of 31 March 1985) on the renewal and extension of collective agreements etc., section 13 of which puts an end to the industrial action which, according to the Government, had been taken by some 300,000 workers in the private sector following the breakdown of negotiations in March 1985. This section also prohibits strikes during the two year period over which collective agreements are extended. This legislation has also been the subject of a complaint of alleged infringements of trade union rights submitted by the above organisations to the Committee on Freedom of Association (243rd Report, Case No. 1338, paras. 209-247, approved by the Governing Body at its 232nd Session, March 1986).

The Committee would recall its previous observation in which it emphasised that the right to strike is one of the essential means available to workers and their organisations for the promotion and defence of their economic and social interests. Restrictions on that right should be limited to essential services, that is services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

From the information available to the Committee the limitations imposed on the right to strike by Act No. 123 would appear to extend to industrial sectors which do not fall within the definition of what the Committee considers to be essential services in the strict sense of the term. The Committee accordingly invites the Government to reconsider this legislation in the light of the foregoing principle and make any necessary amendment to ensure conformity with the Convention.

Ecuador (ratification: 1967)

The Committee takes note of the report of the direct contacts mission carried out in Ecuador from 9 to 13 December 1985.

The Committee notes with interest from the above report that the mission and the Minister of Labour and Human Resources drew up together drafts of possible amendments to the legislation that would be acceptable to the Government and that would give effect to the majority of the comments of the Committee of Experts in connection with Conventions Nos. 87 and 98.

In its previous observations the Committee made comments on the following points:

- the prohibition placed on public servants from setting up trade unions (section 10(g) of the Act on the civil service and administrative careers of 8 December 1971), even though they have the right to associate and to appoint their representatives (section 9(h) of that Act);
- the obligation that the members of the managing committee of a workers' association belong to the enterprise (section 445 of the Labour Code of 1978);
- the obligation to be Ecuadorian for membership of the managing committee of a "works council" (section 455 of the Code);

- the administrative dissolution of a "works council" when its membership drops below 25 per cent of the total number of workers (section 461 of the Code);
- the prohibition of strikes by public employees (section 503, final subsection, of the Code) and public servants (section 10(g) of the Act on the civil service and administrative careers);
- the prohibition placed on unions from taking part in the activities of political parties or religious activities, with the requirement that provisions to this effect shall be included in the by-laws of the unions (section 443(11) of the Code);
- the penalty of imprisonment laid down by Decree No. 105 for the instigators of collective work stoppages;
- the granting of exclusive rights to bargain collectively to "works councils" (sections 457 and 501 of the Code);
- the protection against acts of anti-union discrimination at the time of taking up employment.

At its next meeting, when it has received the Government's report, the Committee proposes to examine fully the information provided by the mission concerning the prospects of amending the various provisions in question. The Committee requests the Government to state in its next report its intentions regarding the drafts of possible amendments to the legislation drawn up jointly by the mission and the Minister of Labour and Human Resources. It expresses the hope that the joint work will make it possible to overcome the current difficulties in the application of Conventions Nos. 87 and 98.

Ethiopia (ratification: 1963)

The Committee takes note of the Government's report, which confines itself to referring to the discussion that took place in the Conference Committee in 1985 on the application of the Convention.

The Committee points out that it has for some years been raising points of divergency between the national legislation and the provisions of the Convention relating to the following matters:

- institutionalisation of the single-trade-union system by law;
- right of association of peasants;
- international affiliation of trade unions;
- right to strike;
- obligation placed on trade unions to apply the National Democratic Revolution Programme of Ethiopia;
- trade union rights of public servants and domestic staff;
- employers' organisations.

1. The Committee has noted that, under section 9(4) and (5) of Proclamation No. 222 of 1982, the coming together of unions results in a single union at the national level, namely, the All-Ethiopia Trade Union (AETU), 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 by-laws of all trade unions and associations.

The Committee takes note of the statement by the Government to the effect that it is always attentive to any change in the workers' attitude towards the single trade union system, but that the commitment of the trade union movement to the present structure is stronger than ever and that, in these circumstances, a change in the labour law would be politically unwise. It adds that this would violate the constitutional practice, which prohibits the Government from taking legislative action on existing prevalent views of the workers. The Committee draws the attention of the Government to the obligation placed on it by Article 2 of the Convention to ensure that the legislation offers workers and employers full freedom to set up, should they so wish, unions outside the established trade union structure and that even if, at the present time, the choice of the workers is to remain within a given trade union structure, they must have the possibility of freely establishing another in the future.

The Committee accordingly emphasises that a de facto single trade union system should not be made compulsory by law and appropriate measures should be taken to give effect to the principles that are referred to by the Committee in its comments.

2. With regard to the All-Ethiopia Peasants' Association (AEPA), the Committee observes, as it has already done, that the Government reaffirms that the AEPA is not a trade union organisation governed by the Proclamations, but a mass organisation of independent peasants, established voluntarily by them. The Committee points out, however, that the peasants' associations are governed by Proclamation No. 223 of 1982, sections 6 and 7 of which confer on them aims, powers and duties that are similar to those accorded the trade union organisation by Proclamation No. 222 at the ideological, economic, social and educational levels. The Committee further notes the statement of the Government that these independent peasants are not to be confused with agricultural workers, who are to be found only on the State farms. The Committee again points out that peasants, even when they have become collective owners of the land, remain rural workers and should, accordingly, enjoy the trade union guarantees laid down by the Convention, their organisations being workers' organisations. The Committee draws the Government's attention to the fact that rural workers united in associations should be able to set up and join organisations freely without previous authorisation and to draw up their rules, elect their representatives in full freedom and formulate their programmes without interference from the public authorities, in accordance with Articles 2 and 3 of the Convention. The Committee points out that these Articles of the Convention are infringed by the following provisions of Proclamation No. 223 of 1982: section 9 on the minimum area for the establishment of first-level associations, section 73 on registration by the Ministry without any indication of the procedure or possible ways of appeal in the event of refusal; section 17(2) on the issuing of the internal regulations by the AEPA; section 5 on the conditions for election to trade union office; and section 7 on the determination of the powers and duties of the associations. Furthermore, the Committee observes that the legislation contains no provisions on the dissolution of associations, whereas under Article 4 the legislation should provide guarantees,

particularly judicial guarantees, to protect the occupational organisations from any dissolution by administrative authority.

The Committee further notes the Government's statement to the effect that Convention No. 87 does not apply to these workers since Convention No. 141 has been adopted to provide specific protection for rural workers' organisations, and this instrument has not been ratified by Ethiopia. The Committee points out that the essential aim of Convention No. 141 is to strengthen the role of rural workers' organisations in economic and social development and that this Convention reasserts in its Article 3 the principle of the right of association of rural workers previously recognised by Convention No. 87, which is of general application by virtue of its Article 2. A member State that has not ratified Convention No. 141 cannot, therefore, evade the obligations it has undertaken by ratifying Convention No. 87 in respect of rural workers, who are covered by that instrument, the only possible exceptions being those of the armed forces and the police under Article 9.

With regard to Convention No. 11, also mentioned by the Government representative, the Committee points out that all those engaged in agriculture must have the same rights of association and combination as industrial workers (Article 1). The trade union rights provided for in Proclamation No. 223 of 1982 for peasants' associations should not, therefore, be less than those set forth in Proclamation No. 222 of 1982, which is of general application.

The Committee requests the Government to ensure that the Articles of the Convention are fully applied to rural workers' associations and that their situation is re-examined in the light of its comments and to indicate, if any, the relevant legal provisions concerning the dissolution of these associations.

The Committee has also noted that agricultural workers on State farms are not covered by Proclamation No. 223. The Committee understands that, since, according to the statement by the Government representative to the Conference, they are considered, by virtue of section 27 of Proclamation No. 64/75, to be covered by the definition of the term "workers", Proclamation No. 222 of 1982 applies to them. The Committee requests the Government to confirm this point.

3. The Committee has pointed out in previous comments that trade unions other than the All-Ethiopia Trade Union (AETU) cannot affiliate with international organisations. It has added that, under Article 5 of the Convention, freedom to affiliate is recognised to every trade union, whether it is a national union or not, a first-level union or a union for a branch of industry. The Committee notes that the Government considers the existing situation to be a logical part of the single trade union system established in the country by the workers. The Committee therefore refers to its comments at point 1 above and draws the Government's attention to the necessity, in order to give effect to the Convention, of safeguarding the rights of unions that might be established outside the AETU to establish and to join federations and to affiliate with international trade union organisations. The Committee requests the Government to ensure that effect is given to this provision of the Convention.

4. In its previous comments, the Committee has called attention to the fact that section 106 of Proclamation No. 64 of 1975 makes

illegal any strike initiated where the dispute has not been referred to the Labour Division of the High Court, whose decisions are final by virtue of section 99(3), or, where it has been so referred, if 50 days have not elapsed before any decision is given, which makes any strike practically impossible and thus considerably restricts the possibility open to trade union organisations of defending the interests of their members. Since, by virtue of Article 3 of the Convention, a certain number of means must be available to workers' organisations for promoting and defending their economic and social interests, and since the right to strike is an essential one of these means, the Committee requests the Government to take the necessary steps, in particular by legislative action, to enable the workers to exercise these trade union rights.

The Committee notes that the Government is at present studying, in the light of the comments of the Committee, how to accelerate the procedure for the settlement of disputes. It also notes the Government's opinion that strikes are a means of settling disputes where no other means are available to the workers.

The Committee reiterates its view that the prohibition of strikes, whether in law or in practice, is incompatible with the principles of freedom of association and that, where the legislation offers many possible procedures for the settlement of disputes, they should not be compulsory and of such a nature as to prevent action such as strikes in support of claims, particularly where conciliation fails (as provided by section 94 of Proclamation No. 64/75).

The Committee therefore requests the Government, when it is reconsidering the procedures for the settlement of disputes, to take account of the above comments in order to give effect to Article 3 of the Convention.

5. Furthermore, the Committee has also noted that, under section 5 of Proclamation No. 222, the unions are obliged to disseminate among the workers the development plans of the Government and also Marxist-Leninist theory, and to implement the decisions, directives and orders of higher authorities. Proclamation No. 223 sets forth the same obligations for peasants' associations (sections 15(4) and 22(5)) and further specifies that every member of a peasant association has the duty of accepting and implementing the National Democratic Revolution Programme of Ethiopia (section 13 (1)).

The Committee takes note of the Government's statement to the effect that the trade unions participate by right in the formulation of national plans and have the duty of implementing them and that the dissemination among the workers of Marxist-Leninist theory is one of the lawful activities of the trade unions. The Committee is of the opinion that these provisions are incompatible with the right of trade unions to organise their activities and formulate their programmes without interference by the public authorities that would restrict this right or impede the lawful exercise thereof, in accordance with Article 3 of the Convention.

Moreover, the Committee observes that a trade union that wished to formulate another programme would find itself in conflict with the law. These detailed provisions defining the scope of the unions and also section 6(7) under which the All-Ethiopia Trade Union issues the by-laws of its unions in accordance with the legislation, and section

17(2) of Proclamation No. 223 on peasants' associations, under which the AEPA lays down in detail the powers of the General Assembly of the first-level peasants' association are contrary to the principles of freedom of association.

The Committee trusts that the Government will take the necessary action to bring its legislation into conformity with the Convention.

6. The Committee has pointed out that public servants and domestic staff do not enjoy the trade union rights granted by Proclamation No. 222. It has noted that, according to the Government, their right to organise is treated separately by the new Labour Code, which is still under examination. The Committee notes that the Government representative has stated that concrete measures will be taken after the adoption of the new labour law. It requests the Government to inform it of any development in this connection and to transmit a copy of the new Code as soon as this is adopted.

7. With reference to the employers' organisations, which the Committee has considered not to constitute employers' organisations within the meaning of the Convention, under which their principal aim should be to further and defend the interests of the employers, the Committee notes that, according to the Government, the amendments to the Proclamation of 1978 on the Chamber of Commerce have not yet been enacted but that the Ethiopian Chamber of Commerce fully represent the employers. The Committee refers to its comments and trusts that the Government will shortly take the necessary measures to ensure the adoption of the amendments. It hopes that a copy of these texts will be forwarded to it in the near future.

Federal Republic of Germany (ratification: 1957)

The Committee takes note of the comments submitted by the German Confederation of Trade Unions (Deutscher Gewerkschaftsbund) concerning the application of the Convention. The Government, to which these observations have been transmitted, has sent a communication to the effect that the matter referred to by the Confederation is at present being examined by the Constitutional Court. The Government states that it will supply its comments shortly and that it will send a copy of the judgement of the Court as soon as it has been handed down.

The Committee will examine the substance of the points raised by the German Confederation of Trades Unions when it is in possession of all the necessary information.

Ghana (ratification: 1965)

The Committee takes note of the Government's report and observes that the revision of the Industrial Relations Act, 1965, No. 299, is in progress and that the National Labour Advisory Committee, a tripartite body, is being reconstituted for the purpose. It also observes from the report that other labour laws will be revised to bring them into conformity with government policy and the standards of the ILO.

The Committee also takes note of the Government's statement to the effect that, as soon as the above-mentioned Committee has been formed and is in a position to start work, it will examine the observations of the Committee of Experts and the amendments suggested by the ILO, in the Government's programme of codification of the legislation.

Since the Committee has been making comments for many years, since 1968 to be exact, and since technical assistance was provided by the ILO in 1983, the Committee trusts that the amendments will be made in the near future in order to bring the legislation already commented on by the Committee into conformity with the provisions of the Convention. It requests the Government to keep it informed of all developments in the situation.

Guatemala (ratification: 1952)

The Committee has taken note of the written and oral information supplied by the Government to the Conference Committee in June 1985 as well as that contained in its latest report.

The Committee points out that the divergencies between the national legislation and the Convention relate to the following points:

- the need to repeal or amend the following provisions of Legislative Decree No. 24-82 of 27 April 1982 to give effect to the Constitution:
 - section 57, which prohibits workers employed by the State from establishing trade unions or associations, contrary to Article 2 of the Convention, which grants the right of association to all workers without distinction whatsoever, including workers in the employment of the State;
 - section 51(12)(1), which prohibits trade unions from taking part in party politics;
 - section 51(12)(2), which restricts to Guatemalans the possibility of being elected to trade union office;
 - sections 57 and 54, which prohibit workers of the State and of the public services from going on strike;
- the need to amend or repeal the following provisions of the Labour Code of 16 August 1961:
 - section 211(a) and (b) concerning the strict supervision of trade union activities by the Government;
 - section 207 making it impossible for trade unions to take part in politics;
 - section 226(a) concerning the dissolution of trade unions that have taken part in electoral or party politics;
 - section 223(b), which restricts to Guatemalans the possibility of being elected to trade union office;
 - section 241(c), which makes it compulsory to obtain a majority of two-thirds of the workers in the undertaking or production centre before a strike may be called;
 - section 222(f) and (m), which provides for a majority of two-thirds of the members of the trade union before a strike can be called;

- sections 243(a) and 249, which, with some exceptions, prohibit agricultural workers from going on strike or stopping work at harvest time;
- sections 243(d) and 249, which prohibit strikes and work stoppages by workers in undertakings and services in which the Government considers that the interruption of their work would have a serious effect on the national economy;
- section 255, which provides for the possibility of calling in the national police to ensure that work continues in the event of an illegal strike;
- section 257, which provides for the arrest and prosecution of offenders;
- the need to repeal or amend the following provision of the Civil Service Act No. 1748 of 10 May 1968:
 - section 63, which prohibits all political activity and strikes by public servants and their unions;
- the need to amend the following provision of the decree issued under the Civil Service Act of 1968:
 - section 4, which prohibits workers in decentralised, autonomous and semi-autonomous state bodies from calling a strike;
- lastly, the need to amend the following provisions of the Penal Code, as amended in 1973:
 - section 390(2) under which terms of imprisonment of from one to five years can be imposed on those who carry out acts intended to paralyse or disturb undertakings which contribute to the economic development of the country with a view to prejudicing national production;
 - section 430, under which terms of imprisonment of from six months to two years can be imposed on public employees and employees in public service undertakings who collectively abandon their duties (the sentence can be doubled for the instigators of a collective stoppage of work).

The Committee notes with interest that the new Constitution, which the Government stated was to come into force on 14 January 1986, recognises the right to organise in trade unions and the right to strike to workers in the employment of the State and workers in decentralised and autonomous bodies (section 116) and guarantees to all workers the right to strike for economic and social reasons after the exhaustion of the conciliation procedures (section 104).

The Committee requests the Government to confirm that the text of the new Constitution repeals the Constitution of 1982. It also requests the Government to state whether the draft legislative decree supplied previously, which contained certain provisions to give better effect to the Convention, has been adopted and to specify any new measure taken or under consideration to bring the legislation in general into conformity with the requirements of the Convention.

Guinea (ratification: 1959)

The Committee takes note of the information and documents supplied by the Government in reply to its previous comments.

The Committee has studied Presidential Ordinance No. 075 of 27 March 1985 to establish a Secretariat of State for Labour. It observes in particular that under sections 4 and 25 of this text, the National Confederation of Workers of Guinea (CNTG) is placed under the supervision of the Secretariat of State for Labour, this trade union organisation being vested by section 25 with functions relating to all activities by workers in defence of their interests.

The Committee first points out that by virtue of Article 3 of the Convention trade union organisations must be able to exercise their activities in defence of their members' interests without interference by the administrative authorities and that placing the CNTG under supervision infringes the guarantees set forth by the Convention.

Moreover, the Committee draws the Government's attention to the terms of the Ordinance, which, by referring by name to the CNTG and attributing to it wide functions, "to encourage, organise, co-ordinate and supervise all the activities of the workers", seem to institute a system of trade union monopoly for the benefit of the CNTG that departs from the principle of the free choice of the workers in establishing trade union organisations that is set forth in Article 2 of the Convention.

The Committee has taken note, however, that in the Government's report on the application of Convention No. 151, it is stated that the Head of the State, during the course of a formal speech, expressed his intention of putting an end to the supervision of the CNTG and announced that legislative measures were being drafted for this purpose.

The Committee considers that the repeal of Presidential Ordinance No. 075 would lead to the elimination of all divergency between the legislation and the Convention. It hopes that the Government will repeal this Ordinance in the near future and requests it to supply a copy of the repealing text when it has been adopted.

Haiti (ratification: 1979)

The Committee has noted the information contained in Government's report and the written and oral information communicated by a Government representative to the Conference Committee in June 1985. It has also examined the Decree of 24 February 1984 to revise the Labour Code of 12 September 1961.

1. With reference to Haitian workers in the sugar plantations of the Dominican Republic, a Government representative stated before the Committee of the International Labour Conference in June 1985 that a special clause had been included in the text of these workers' contracts for the period 1984-85 guaranteeing their right to freedom of association.

The Committee notes that clause 30 of these contracts provides that the State Sugar Board shall accord to Haitian agricultural workers the same rights as are granted to Dominican agricultural workers.

2. With regard to section 236 of the Penal Code, under which the approval of the Government must be obtained in order to set up an association of more than 20 persons and as regards the international

affiliation of Haitian trade unions, the Government in its latest report states that a circular letter has been addressed to Haitian trade unions confirming that section 236 of the Penal Code does not concern them, since they are not associations which are required to register with the Ministry of the Interior before they can be authorised to operate. The letter also confirms the right of trade unions to establish federations and confederations and to affiliate with international organisations of their choice.

The Committee takes note with interest of this information and requests the Government to provide it with the text of the circular letter in question.

3. With reference to section 400 of the 1967 Act, reproduced in section 34 of the Decree of 4 November 1983, which confers on the Government wide powers of supervision over the trade unions, the Government, in its latest report, states that section 400 has been amended by section 242 of the 1984 Labour Code. This provides that investigations called for by the Ministry of Social Affairs can only relate to trade union activities which relate to the application of the legal provisions for the operation of trade unions and that the Ministry of Labour, after a full and fair investigation, can apply to the Labour Tribunal for the imposition of penalties on the trade union.

The Committee considers, however, that section 34 of the Decree of 4 November 1983, which does not seem to have been expressly repealed by the 1984 Labour Code, is not compatible with the guarantees provided for by the Convention, since it permits interference by the Government in the activities of the trade unions. The Committee is of the opinion that the supervision of possible abuses in trade union activities should be carried out exclusively by the courts, and that the administrative authorities should refrain from any interference.

4. With regard to the imposition of compulsory arbitration by the Arbitration Board, automatically or at the request, either of the Secretary of State for Labour, or of only one of the parties to a dispute, with a view to ending a strike (sections 185, 190, 199 and 200 of the new Labour Code), the Government states in its latest report that a strike is legal when it is carried out by one-third of the staff of an undertaking (section 204 of the new Labour Code) and that, if a strike is called the Ministry of Social Affairs convenes the Arbitration Board so that it may order the military authorities to keep the establishments that are affected by the dispute closed and to protect life and property therein.

The Committee notes with concern the Government's statement that, if a strike is called, the Ministry of Social Affairs convenes the Arbitration Board so that it may order the military authorities to keep the establishments affected by the dispute closed, especially since section 206 of the 1984 Labour Code expressly provides that, if a strike is to be legal, it must not exceed 24 hours and that if a strike exceeds that period it is treated as a breach of duty by the workers.

The Committee considers that sections 185, 190, 199, 200 and 206 of the Code are incompatible with the guarantees provided for by the Convention. It points out that workers and their organisations should have the right to promote and defend their interests, by means

which include recourse to strike action, and that the imposition of compulsory arbitration to put an end to a strike should be confined to cases of strikes in the essential services in the strict sense of the term, that is to say those whose interruption would endanger the life, personal safety or health of the whole or part of the population.

5. With regard to the right to organise of public servants, the Government confines itself to stating, in its written communication to the Conference Committee in 1985, that the 1984 Labour Code - which does not apply to public servants - contains no specific restriction on the right of public servants to organise in trade unions. It has further communicated the texts of special laws governing the public service.

The Committee observes that the right to organise of public servants is not expressly guaranteed by any of the texts communicated by the Government.

6. The Committee urges the Government not only to send the text of the above-mentioned circular letter but also to indicate in its next report the measures taken or under consideration to bring its legislation into conformity with the Convention on the following points:

- repeal of section 34 of the Decree of 4 November 1983 which confers wide powers on the Government to supervise the trade unions;
- amendment of sections 185, 190, 199, 200 and 206 of the 1984 Labour Code providing for excessive restrictions on the right to strike;
- statutory confirmation, through a specific provision, of the right to organise of public servants.

7. In addition, the Committee requests the Government to supply a copy of the Constitution currently in force.

8. The Committee is conscious of the fact that important political changes have recently taken place in the country. It would, accordingly, express the firm hope that the new Government will take full account of the above comments in an endeavour to bring the legislation into conformity with the Convention.

The Committee would remind the Government that the International Labour Office is at its disposal for any assistance it may need in formulating legislation that will give effect to the Convention. It would, accordingly, invite the Government, should it consider it appropriate, to seek such assistance in the near future.

Honduras (ratification: 1956)

The Committee takes note of the Government's report and the report of the direct contacts mission carried out to Honduras from 7 to 11 January 1986, and of the discussions that took place in the Conference Committee in 1985.

The Committee recalls that in its earlier observations it referred to the following points:

- the amendment to section 2 of the Labour Code so as to extend the right to join trade unions expressly to workers in agricultural or stock-raising undertakings not regularly employing more than

10 workers, with a view to bringing this position into conformity with Article 2 of the Convention;

- the amendment to section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention, in not permitting the existence in a given enterprise, institution or establishment of more than one works union and in providing that, where there is already more than one union, only the one with the greatest number of members shall remain in existence;
- the amendment to section 510 of the Labour Code, which is inconsistent with Article 3 of the Convention in requiring that union officers shall, at the moment of election, be normally engaged in the occupation or function characteristic of the union and have exercised it for more than six months during the preceding year;
- bringing into conformity with Article 6 of the Convention section 537, which provides that federations and confederations are not entitled to call a strike, and section 541 of the Code, which provides that the leaders of federations and confederations shall have been engaged in the corresponding occupation or function for more than one year before election;
- the amendment to provisions that require a majority of two-thirds at the general assembly of a trade union in order to call a strike (sections 495 and 563 of the Labour Code);
- the need for Government authorisation or six months' notice for any suspension or work stoppage in public services that do not depend directly or indirectly on the State (section 558 of the Labour Code). This provision is open to criticism in so far as it applies to certain services - such as transport or services connected with petroleum - that are not essential services in the strict sense of the term, that is to say services the interruption of which would endanger the life, personal safety or health of the whole or part of the population;
- the power of the Minister of Labour and Social Security to end a dispute between employers and workers on the application of either party in services for the production, refining, transport and distribution of petroleum (section 555(2) of the Code).

The Committee notes from the mission report, that the draft Labour Code that is being considered by the National Congress, dating from 1981, includes important improvements that would give effect to some of the comments made by the Committee. The Committee notes in particular that the draft does not deny the workers of small agricultural enterprises the right to associate, as does section 2 of the Labour Code; it does not prohibit the existence within a single enterprise of various works unions, as does section 472 of the Code; it does not require that union officers shall have exercised the occupation or function characteristic of the union for at least six months, as does section 510 of the Code; it does not expressly prohibit federations and confederations from exercising the right to strike, as does section 537 of the Code; it does not require leaders of federations and confederations to have exercised the occupation or office represented by the union for more than one year, as does section 541; it does not require a majority of two-thirds to call a strike, as do sections 495 and 563; it does not require six months'

notice in order to go on strike in a public service, as does section 558; it does not empower the Minister of Labour and Social Security to end a dispute between an employer and his employees in services for the refining, transport and distribution of petroleum, as does section 555(2) of the Code. Finally, section 568 of the draft expressly provides for all provisions contrary to the draft to be repealed.

Nevertheless, the Committee wishes to point out that the draft Labour Code contains certain provisions which are incompatible with the principles contained in the Convention. In particular, the following provisions need modification:

- section 295(a) of the draft, prohibiting trade unions from intervening in political matters. When dealing with similar provisions, the Committee has considered that trade unions should be able to make known publicly their opinion on social and economic policy issues affecting their members;
- sections 297 and 298 of the draft, taken in conjunction, which enable the Ministry of Labour to suspend union officials in the event of fraudulent use of trade union assets. The Committee has always considered that the suspension of union leaders in the event of violation of the law or union rules is only admissible when such violation is proved through legal action and when the suspension is the subject of a judicial decision;
- section 299 II, which prohibits foreigners from becoming members of trade union executive committees. This provision should be somewhat more flexible, so that after a reasonable period of residence in the host country immigrant workers can be elected as leaders;
- section 289 IV, which prohibits union leaders whose union functions have been suspended from becoming members of the executive. This provision should only refer to suspensions imposed for causes that compromise the integrity of the person concerned;
- section 350 contains a list of essential activities and services which is too extensive; section 351 empowers the Minister of Labour to submit disputes in the public services or in essential activities to the judgement of a labour tribunal; and section 354 empowers the executive authority, in the event of the suspension of essential services, to take over the direction and management of such services for as long as is necessary in order not to prejudice the community. The Committee recalls that, in similar situations, it has admitted that restrictions can be imposed upon the exercise of the right to strike in essential services on condition that these are essential services in the strict sense of the term, that is to say, services the interruption of which can endanger the life, personal safety and health of the whole or part of the population.

The Committee takes note from the mission report that the authorities of the Ministry of Labour indicated that, although the draft Labour Code was before the National Congress, no sector had taken an interest in promoting its progress, partly because it appears that the appropriate consultations did not take place with the occupational organisations when the draft was being drawn up. The

Committee notes that, in its report, the Government states that it trusts that priority will be given in the future to the analysis of the draft Labour Code in the National Congress.

The Committee stresses the need to modify the provisions of the Labour Code that are not in conformity with the Convention, either through partial reforms or an overall revision of the Code by means of the draft that is currently before the Congress. In either case, the Committee considers it appropriate that, in a tripartite context, the authorities and the organisations of workers and employers should make an in-depth examination of the draft and should express their opinions on it. The Committee urges the Government to take measures to this effect and to inform it of any progress achieved.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Jamaica (ratification: 1962)

Referring to its previous comments the Committee takes note of the information supplied in the Government's report, from which it appears (1) that the Tripartite Committee to which the matter was referred did not recommend any change and consequently did not propose to reduce the list of essential services at this time and (2) that section 11A of the Labour Relations and Industrial Disputes Act, 1975 does not restrict the rights of workers, trade unions or employers in the process of collective bargaining since this provision can be used only at the discretion of the Minister when all attempts to settle a dispute have failed.

The Committee also notes that the Jamaica Employers' Federation, to which the Government's report was forwarded, stated in a communication dated 31 January 1986 that (1) it could not recollect that the Tripartite Committee had not recommended any changes in the list of essential services and (2) the Supreme Court had observed, inter alia, with regard to section 11A that the amendment does not give the Minister an unlimited discretion of reference but flows from considerations of the national interest and it must be exercised to secure industrial peace in the undertaking and not merely to satisfy some narrow personal interest.

The Committee recalls that by virtue of section 9 of the Labour Relations and Industrial Disputes Act, 1975, in undertakings providing essential services (which cover wide sectors of economic life), labour disputes may be reported to the Minister in writing by one of the parties to the dispute. The Minister, within a period of ten days from the day on which the dispute has been submitted, may refer it to the tribunal for settlement if he is satisfied that attempts were made, without success, to settle it by such other means as were available to the parties. If he is not satisfied that attempts were made to settle the dispute by all such means as were available to the parties, he will give them directions in writing to pursue such means as he shall specify to settle the dispute. If any of the parties to which the Minister has given instructions to pursue a given means of settlement reports to him in writing that this means has been pursued without success, the Minister shall, within ten days, refer the

dispute to the Industrial Disputes Tribunal for settlement. Direct action is unlawful unless the dispute has been reported to the Minister and he has failed to refer it to the Tribunal for settlement or the Tribunal has failed to make an award within 21 days.

In order that the Committee may consider the extent to which resort to compulsory arbitration to prohibit a strike in an essential service does not infringe the principles of freedom of association, the Committee requests the Government to supply information on the arbitration awards handed down in labour disputes affecting essential services. In the opinion of the Committee, the notion of essential services in which a strike may be restricted or prohibited should be confined to services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee observes that, under section 10(1)(2)(4)(5) and (8) of the 1975 Act, where an industrial dispute exists in an undertaking other than an undertaking that provides an essential service and industrial action has begun or is likely to begin and this action has caused or would cause an interruption in the supply of goods or in the provision of services on such a scale as to be likely to be gravely injurious to the national interest, the Minister may, by order, declare that this industrial action is likely to be gravely injurious to the national interest. The Minister then sets a mediation procedure in motion and if this is unsuccessful he invites the parties to nominate jointly a person to preside over the division of the Industrial Disputes Tribunal that is to deal with the dispute, and the employer and workers separately to nominate the other two members of this division of the Tribunal. If the Minister does not receive the nominations within seven days he may refer the dispute to the Tribunal for settlement. Industrial action is unlawful if it is taken after the date of the order.

The Committee requests the Government to provide information on the cases in which it has declared that industrial action is likely to be gravely injurious to the national interest.

Japan (ratification: 1965)

Following its previous comments, the Committee notes that various communications concerning the application of Conventions Nos. 87 and 98, have been received from the following occupational organisations:

- the Council of Public Service Unions (KOMUIN-KYOTO) and the Public Services International (PSI);
- the Japanese Confederation of Labour (DOMEI);
- the World Confederation of Organisations of the Teaching Profession (WCOTP);
- the General Council of Trade Unions of Japan (SOHYO).

Since the Government's observations in reply to the comments by these trade union organisations reached the Committee too close to its Session to enable it to proceed to an in-depth examination of the questions raised, it will carry out an examination of all the points raised at its Session next year.

Kuwait (ratification: 1961)

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

The Committee recalls that the following provisions of Law No. 38 of 1964 promulgating the Labour Code in the private sector, are not in conformity with the Convention and should be amended:

- there must be at least 100 workers to establish a trade union (section 71 of the Law) and at least 10 employers to form an association (section 86);
- foreigners must have resided five years in Kuwait before they may join a trade union (section 72);
- at least 15 members must be Kuwaiti before a union may be established (section 74);
- a certificate of good reputation and good conduct must be obtained before a person may join a trade union (section 72);
- a certificate must be obtained from the Minister of the Interior stating that he has no objection to any of the founder 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 the trade union revert 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 federate 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 previously took note of the draft Labour Code, which, according to the Government, is intended to bring its legislation into conformity with the Convention, and on which the Committee has made comments. It takes note of the Government's statement to the effect that this preliminary draft has been revised and corrected by the tripartite committee that prepared it in the light of the Committee's observations, and that the former draft is now null and void. The work of the committee on the present draft should rapidly be completed and the final text submitted to the National Assembly.

From the information provided by the Government concerning this draft, the Committee notes that only sections 71, 79 and 80, establishing a system of trade union monopoly, remain as they were. The provision concerning the wide powers of supervision by the authorities over books and records (section 76) also remains as it was; in this connection, the Government states that the above supervision is only intended to control payments made out of government subsidies. The Committee considers that, in order to

avoid any arbitrary use of this section, going beyond the limits referred to by the Government and resulting in interference by the public authorities in the internal management of trade unions, the nature of the supervision should be specified in the legislation.

The Committee also notes that the final text of the draft is, according to the Government, intended to cancel the prohibition on foreigners from voting in trade union elections contained in section 72, by making it possible for them to nominate a representative whose duty it would be to convey their views to the executive committee of the union. The Committee observes that this option already seems possible under section 72. It stresses that such an option is insufficient to guarantee the application of the Convention to foreign workers who, like Kuwaiti workers, should enjoy the rights provided for in the Convention.

While noting the Government's argument concerning the good intentions behind the provisions which lay down that not more than one trade union may be set up for a given establishment or activity (section 71), restricting the setting up of federations to similar occupations or similar industries (section 79), and permitting the existence of only one general confederation (section 80), and noting that these arguments are based principally upon the desire, in the interests of the workers, not to fragment the trade union movement, the size of which is already reduced by the smallness of the country and the enterprises where it may develop, the Committee stresses that the legislation should not make a single trade union system obligatory and that it is for the workers themselves, if they find it to be in their interests, to choose whether to associate in a single trade union structure, while retaining the possibility of constituting trade unions outside this structure in the future. The Committee recalls that in its General Survey submitted to the 69th Session (1983) of the International Labour Conference, in particular in paragraphs 132 to 138, it stressed the importance that it attaches to the principles set forth in Article 2 of the Convention to the effect that employers and workers shall be able to constitute organisations of their own choosing. The Committee is of the opinion that, although it is generally to the advantage of workers and employers to avoid a multiplicity of competing organisations, a single trade union system imposed directly by legislation is not in conformity with the standards expressly laid down in the Convention.

The Committee trusts that the current draft Labour Code, which will eliminate numerous divergencies between the legislation and the Convention, will be adopted in the near future.

With regard to the provisions that remain contrary to Articles 2 and 3 of the Convention, the Committee urges the Government to re-examine the situation in the light of the above comments.

Lesotho (ratification: 1966)

The Committee takes note of the Government's report and its appendices.

1. The Committee has made comments on section 27(1) of the Trade Unions and Trade Disputes Law, 1964 which provides that all

persons first joining or forming a trade union shall be actually engaged in an industry or an occupation with which that union is directly concerned, that two-thirds of the officers of any trade union shall be actually so engaged and that no officer of any trade union shall be an officer of any other trade union. The Committee once again stresses that a provision of this kind restricts the rights of workers, without distinction whatsoever, to establish organisations of their own choosing (Article 2 of the Convention) and to elect their representatives in full freedom (Article 3).

The Committee urges the Government to take measures to amend the legislation in order to give full effect to the above Articles of the Convention.

The Committee recalls that the Government previously mentioned that this matter was being referred to the National Advisory Committee on Labour; it notes that no reference is made to the work of this Committee in this year's report. The Committee requests the Government to supply information in this respect.

2. The Committee previously noted that no public meeting could take place without prior authorisation, since constitutional rights had been suspended. The Committee notes with satisfaction the recent adoption of Act No. 24 regarding human rights, 1983, under which (section 2) the right to freedom of peaceful assembly and association and the right to express and disseminate opinions, *inter alia*, are guaranteed. However, it requests the Government to state whether the Constitution, which was suspended in 1970, has been brought back into force.

3. With reference to the Essential Services Arbitration Act, No. 34 of 1975, the Committee points out that the conciliation and arbitration procedure has the effect of preventing recourse to strikes in the essential services set forth in a schedule, and that banking services have been included in this schedule by Act No. 21 of 1982. The Committee draws the Government's attention to the fact that the concept of essential services should be confined to undertakings that provide an essential service in the strict sense of the term, that is to say, a service whose interruption would endanger the life, personal safety or health of the whole or part of the population. It, therefore, once again requests the Government to introduce suitable amendments to exclude the banking sector from essential services and to recognise to workers in banks the right to strike in accordance with the right of trade unions to organise their activities and to further and defend the interests of their members (Article 10). The Committee regrets that the Government does not respond to these questions in its report, although these were raised in earlier comments. It urges the Government to re-examine the situation and to keep it informed of any developments.

Liberia (ratification: 1962)

The Committee takes note of the information supplied by the Government and of the discussion that took place in the Conference Committee in 1985 on the application of the Convention.

In its previous observations, the Committee noted that, according to the statements of the Government, the revision of the Labour Code at present in force was to lead to the elimination of the discrepancies between the law and practice and Articles 2, 3, 5 and 10 of the Convention, which the Committee had been referring to for many years. It also noted that the adoption of the new text was imminent.

The Committee recalls that it is essential, in relation to the Convention, that the right to organise should be specifically recognised by law for workers in state undertakings and the public service, and that agricultural workers should be able to join organisations of their own choosing, that is to say, they should be able, should they so wish, to be represented by an industrial workers' organisation (repeal of section 4601-A of the Labour Practices Act). Strikes should also be possible, since strike action is a means by which the workers can defend their occupational interests, the only workers that may be excluded being public servants acting in their capacity as agents of the public authority and workers in the essential services in the strict sense of the term, that is to say, those the interruption of which would endanger the life, personal safety or health of the whole or part of the population (repeal of Decree No. 12 of 30 June 1982). It is also desirable that trade union elections should not be supervised by the Labour Practices Review Board (repeal of section 4102(10) and (11) of the Labour Practices Act).

The Committee trusts that the new Labour Code will be adopted in the near future and that it will contain suitable provisions giving full effect to the Convention.

It requests the Government to supply a copy of the texts as soon as these are adopted.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Madagascar (ratification: 1960)

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

With regard to seafarers, the Committee pointed out that workers of this category are excluded from the Labour Code by section 1, since they are governed by the Mercantile Marine Code of 1960, incorporated in the Maritime Code of 1966. In the past, the Government had stated that seafarers nevertheless come under the general system of the Labour Code except in respect of conditions of recruitment and employment, which are governed by the Maritime Code, and that they therefore enjoy the trade union guarantees and rights recognised to other workers in the Code. Since these rights do not appear clearly or precisely in the legislation, the Committee considers that it would be desirable for specific legislative provisions to be adopted to guarantee to seafarers the exercise of the trade union rights provided for by the Convention or for section 1 of the Labour Code to be amended to this end. The Committee, moreover, requests the Government

to furnish a copy of Ordinance No. 60-047 of 15 June 1960 to issue the Mercantile Marine Code and Ordinance No. 62-012 of 10 August 1962 amending it.

With regard to public servants, the Committee has already noted that by virtue of section 4 of Act No. 79-014 the right to organise is granted to them under Ordinance No. 76-008 of 20 March 1976 to issue the regulations of the Malagasy Revolutionary Organisations (ORM). The Committee notes the insistence of the Government that the establishment of these organisations is not compulsory and it points out that under sections 8 and 9 these ORMs can exercise their rights and activities only after obtaining approval through a Cabinet Order pronounced by the President of the Republic on the report of the Minister of the Interior. The Committee observes that, if the right of association is in fact recognised to public officials, the trade union associations that they may establish are subject to administrative restrictions contrary to the Convention. They can form only revolutionary associations governed by Ordinance No. 76-008 subject to approval, which is contrary to Article 2, and over which the State, by virtue of section 24 of the Ordinance, may at any moment exercise supervision, which is contrary to Article 3. Moreover, these are, by virtue of section 25, liable to dissolution by administrative authority, which is contrary to Article 4 of the Convention. The Committee draws the attention of the Government to the fact that, like other workers, public officials should enjoy the rights set forth in the Convention, namely to establish freely without previous authorisation trade union organisations that can carry on their activities without interference by the public authorities and are not liable to be dissolved by the administrative authorities. The Committee, therefore, hopes that the Government will adopt suitable measures to guarantee these rights to workers in this category.

With regard to the above-mentioned Ordinance, the Committee also notes the Government's statement that the setting up of an ORM is not compulsory, that none of the trade unions existing before the adoption of this text has established such an organisation and that they have all continued their activities in accordance with the provisions of the Labour Code. As to the unions that have set up an ORM, the Committee requests the Government to state whether they continue to be governed by the Labour Code or whether they have lost this status and assumed in full that of Ordinance No. 76-008. Furthermore, since the Government makes a distinction between trade union organisations established before the Ordinance and those established afterwards, the Committee requests the Government to state in its next report under what legal rules it has been possible to establish trade union organisations since 1976.

Similarly, the Committee has examined the provisions of Ordinance No. 78-006 of 1 May 1978 setting up the Charter of Socialist Undertakings which, as regards access to the Workers' Committee, favours the members of trade unions belonging to one of the ORMs of the National Front for the Defence of the

Revolution. The Committee points out that legislative provisions which favour one trade union over another directly influence the workers' choice since they will be more inclined to join the union best able to serve them. It requests the Government to re-examine the situation in the light of its comments and draws the Government's attention to the fact that these provisions could conflict with the free choice of the workers set out in Article 2 of the Convention.

With reference to its previous comments, the Committee points out that by virtue of Act No. 69-15 of 16 December 1969 concerning the requisitioning of persons and property, and particularly sections 20 and 21, the right to requisitioning comes into force when "the state of a national necessity is proclaimed", in the event of "a threat ... to a sector of national life", and where it will be "strictly confined to safeguarding the interests of the nation". Since such emergency measures might possibly be taken in the event of a strike which meets these criteria, the Committee requests the Government to indicate the practical cases that may come within the definitions of national necessity, threat to a national sector or the interests of the nation and to state whether such requisitionings have already been carried out in cases of strikes.

The Committee trusts that the Government will supply with its next report all the information requested and will reconsider in the near future the situation of seafarers and also that of public servants in respect of their trade union rights, in the light of the above comments.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Malta (ratification: 1965)

The Committee takes note of the discussion that was held in the Conference Committee in 1985 on the application of the Convention, of the Government's various communications replying to its comments and of the latest report of the Government.

1. The Committee recalls that the Government in its 1982 report stated that the law recognised only individual trade unions, that it made no provision for the recognition of groups of unions and that groups had no recognised status unless this was specifically mentioned in the law. The Committee takes note of the Government's statements to the Conference Committee that this situation did not prevent the formation of federations and confederations and that the right of association was guaranteed by section 43 of the Constitution. The Committee has previously observed that, despite the absence of legal provisions regarding the recognition of groups of trade unions, one confederation, the Confederation of Malta Trade Unions (CMTU), exercised its trade union activities as a group of unions and was mentioned in the Industrial Relations Act of 1976 as an element in the Joint Negotiating Council. The Committee points out, however, that, if occupational organisations came together to constitute a federation or confederation, they could do this only subject to restrictions,

since the legal status that such an organisation would have would depend on recognition by the legislation. In the opinion of the Committee, this situation is equivalent to previous authorisation and contrary to Article 2 of the Convention and would be likely to hinder the formation of a group of trade unions since such a group could exercise only restricted trade union activities without legal recognition.

The Committee therefore requests the Government to ensure that, in accordance with Article 6, under which the guarantees provided for by the Convention apply also to higher-level organisations (federations and confederations), occupational organisations have the possibility of forming trade union groups without previous authorisation and of carrying on their activities of defending and promoting the interests of their members. It hopes that specific legislative provisions will be adopted for this purpose.

2. In its earlier comments, the Committee has also observed that, under section 27 of the Industrial Relations Act of 1976, the competent Minister may, in the event of a breakdown in the conciliation procedure, refer a collective labour dispute to the Industrial Tribunal for settlement with the agreement of only one of the parties to the dispute, a decision that may lead indirectly to the prohibition of the right to strike and so restrict the possibilities open to the unions of furthering and defending the interests of their members (Article 10) and the right of occupational organisations to organise their activities (Article 3).

The Committee takes note of the information supplied by the Government in this connection and of its statement to the effect that the conciliation and arbitration procedure is alternative or supplementary to industrial action and cannot be regarded as restricting the right to strike, except after the Tribunal has handed down its decision. The Committee requests the Government to supply information on the application in practice of sections 22 and 27(1), stating in particular whether the setting in motion of the conciliation procedure by the Minister puts an end or not to all action by the workers in support of their claims or whether such action may be continued as long as the process of conciliation has not reached its conclusion. Similarly, the Committee would be grateful to know whether the submission of disputes to the Industrial Tribunal under section 27(1) on the written application of the employer entails the suspension of all action by the workers and, if so, within what period. The Committee also requests the Government to provide statistics on strikes.

Moreover, since the decision of the Industrial Tribunal is binding, that it can be given at the request of one single party to the dispute and that it results in a total prohibition of any recourse to strike action once it has been handed down, the Committee recalls that such a prohibition or restriction on the right to strike can only be imposed as regards essential services in the strict sense of the term, that is to say, those whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee is of the opinion that, as regards this legislation, any action taken by workers who are employed in services which are not essential in the strict sense of the term, should not be

prohibited, as it is under section 34 of the Industrial Relations Act of 1976. The Committee would, accordingly, request the Government to re-examine the situation in the light of these comments in order to give full effect to Article 3 of the Convention.

Mauritania (ratification: 1961)

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

The Committee examined the report of the Committee on Freedom of Association respecting Case No. 1088, approved by the Governing Body at its 221st Session (November 1982), which, in particular, drew the attention of this Committee to the deterioration in the trade union situation. The Committee observes that the draft amendments to the Labour Code are still under study, particularly those in relation to section 1 of Book III, which prohibits the establishment of more than one union in a given trade or occupation or similar trades or occupations and restricts the right of workers to establish and join organisations of their own choosing (Article 2 of the Convention), and sections 40 and 48 of Book IV, under which a strike may be prohibited by submitting the collective dispute to an arbitration procedure, which is contrary to the right of workers to organise their administration and activities (Article 3) and to further and defend the interests of their members (Article 10).

The Committee trusts that the revision of the Labour Code will take into account its comments, which were repeated by the Committee on Freedom of Association during the examination of Case No. 1088, and it would be grateful if the Government would provide information on any developments in the situation.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Netherlands (ratification: 1950)

The Committee takes note of the Government's report, the discussions which took place in the Conference Committee in 1985 and the comments submitted by the Confederation of the Netherlands Trade Union Movement (FNV) on 11 April 1985.

1. First, the Committee notes with interest that a Bill to amend the Wage Determination Act of 1970 - restricting government intervention in private sector collective bargaining to exceptional circumstances and for a maximum period of one year - was introduced in Parliament in June 1985. It hopes that this Bill will be adopted shortly and requests the Government to communicate a copy of the Act as amended, once this has been adopted.

2. The Committee notes that Parliament again extended the Temporary Act on Conditions of Employment in the Collective Sector (on which the Committee made comments in previous observations) from 1

April 1985 to 31 December 1985. According to the Government, this was necessary to avoid a legislative void since discussion of the draft permanent legislation for this sector was at that time continuing in Parliament. The Committee regrets the extension of the Temporary Act for the reasons set out in detail in its previous observation.

On the other hand, it notes with interest the adoption, on 19 December 1985, of the Act concerning conditions of employment in the national insurance and subsidised sectors. This legislation repeals the above-mentioned Temporary Act and is in force until 31 December 1988. During parliamentary discussion leading to its adoption, it was amended to strengthen the consultation provisions (s. 4 - the Minister must inform the occupational organisations of his provisional view of labour cost standards for discussion; ss. 10(4) and 11 - he must inform Parliament of his decision to freeze new conditions of employment thus continuing the previously applicable conditions of employment). The operation of the Act was described in last year's observation.

The Committee requests the Government to keep it informed of the manner in which this Act is applied in practice.

3. As concerns comments made by the FNV and the Federation of Christian Trade Unions in the Netherlands (CNV) on the Sickness Pay Insurance Bill set out in the 1985 observation, the Committee notes the Government's statements that it is not aimed at curtailing collective bargaining and that it would only become operative during negotiations after the termination of a collective agreement (concluded before 1 November 1984) where there is a provision that the employer agrees to supplement sickness benefits up to the level of the normal wage when the Government has decreased the statutory benefits. According to the Government, this is a purely temporary measure aimed at avoiding a situation where employer-paid supplementary benefits would be automatically raised far beyond the level agreed upon in the collective agreement. It stresses that these provisions of lapsed collective agreements are not automatically included in new agreements. The Committee observes that, between the end of a collective agreement containing a supplementary benefit clause and the renegotiation of the agreement, a sick worker would receive not only a reduced statutory allowance, but also an incomplete supplementary benefit, i.e. a total of 85 or 90 per cent of his normal wage rather than 100 per cent.

The Committee considers that, since collective bargaining is available, and since the conclusion of a new agreement can render null and void the content and scope of the contested provision, the principles of freedom of association, including free organisation of unions' activities (Article 3(1) of the Convention) are not called into question by legislation of this nature.

4. The Committee notes that the Government has not replied to the FNV's comments, dated 11 April 1985, relating to the ministerial refusal of the 1984-85 collective agreement for the broadcasting sector. It, accordingly, hopes that its comments will be available to enable an examination of this matter at its next Session.

Nicaragua (ratification: 1967)

The Committee takes note of the long discussion that was held in the Committee on the Application of Conventions and Recommendations of the International Labour Conference in June 1985. It notes in particular the statements made by a Government representative to the effect that the Government was prepared, in the light of the comments of the Committee of Experts, to carry out an analysis of the reforms that would be necessary to ensure conformity with the provisions of the Labour Code on the right to strike and the principles of the Convention. According to the Government representative, the reforms might be submitted to the National Assembly.

The Committee has also taken note of the interim and definitive conclusions reached by the Committee on Freedom of Association, at its November 1985 meeting, concerning Cases Nos. 1129, 1169, 1185, 1298 and 1317, which are examined in its 241st Report (paragraphs 440 to 494 and 292 to 311). It observes that the allegations made in these various cases by several international and national workers' organisations and by the International Organisation of Employers concern, in particular, arrests of and reprisals against trade unionists, the occupation of trade union premises, refusals to register certain trade unions, restrictions placed on the freedom of movement of employers to prevent them from attending international or national meetings of employers and the suspension for one year of a number of civil and trade union rights, including the right to strike, the right of assembly and the right of association imposed by a Decree dated 15 October 1985.

The Committee takes note with concern of the contents of Decree No. 130 of 31 October 1985 confirming and amending Decree No. 128 of 15 October 1985 on the state of national emergency. It observes that these Decrees suspend for one year the right to free movement (section 15), the inviolability of private correspondence (section 18), freedom of expression (section 21), the right of peaceful assembly and the right of public demonstration (section 23), the right of association (section 24), the right to organise (section 31), the right to strike (section 32) and in part the right of appeal (amparo) (section 50), which are guaranteed by Decree No. 52 of 21 August 1979 to issue the charter of rights and guarantees of Nicaraguans.

The Committee recognises that Nicaragua is experiencing a serious situation. However, the Committee would recall the principle that the plea of a state of emergency to justify restrictions on civil liberties, and above all on trade union rights, should be invoked only in circumstances of extreme gravity, constituting a case of force majeure and subject to the condition that any measures affecting the guarantees established under the Convention should be limited both in extent and in time to what is strictly necessary to deal with the particular situation (see paragraph 72 of the 1983 General Survey of the Committee of Experts on freedom of association and collective bargaining). Furthermore, the temporary suspension of the right to strike and freedom of association for a period of one year is an extremely serious limitation of the means at the disposal of workers and their organisations to further and defend their interests.

The Committee points out that during the direct contacts that took place between the competent national authorities and a representative of the Director-General in December 1983, the authorities expressed their intention of amending the legislation, on certain points, to conform to the Convention. The Committee also reminds the Government of the assurances contained in its report received in February 1985, in which it stated that it was considering the amendment of section 189 of the Labour Code to recognise the possibility of trade union pluralism within an undertaking, section 204(b) of the Code to abolish the prohibition of political activities by trade unions and section 36 of the Regulations on Occupational Associations so as to require that the application for the production of the registers and other documents of a trade union should be filed by at least ten per cent of the members of the union. It also observes that the Government representative stated before the Conference Committee that her Government was prepared to bring its legislation on the right to strike into conformity with the Convention.

In these circumstances, the Committee expresses the hope that the Government will guarantee respect for freedom of association in Nicaragua, in law and in fact, and, in particular, that it will lift, as rapidly as circumstances allow, the restrictions on civil and trade union liberties contained in the Decrees of 15 and 31 October 1985 and to bring the whole of its legislation into conformity with the Convention on the following points:

- necessity of lifting the suspension of civil and trade union freedoms;
- necessity of guaranteeing, by a specific provision, the right of public servants, independent workers of the urban and rural sectors and persons working in family workshops to associate in defence of the occupational interests of their members;
- necessity of abolishing the requirement of an absolute majority of the workers of an undertaking or work centre for the formation of a trade union (section 189 of the Labour Code);
- necessity of amending the provision on the general prohibition of political activities by trade unions (section 204(b) of the Code);
- necessity of amending the obligation placed on trade union leaders to present the registers and other documents of a trade union on application by any member of the trade union (section 36 of the Regulations on Occupational Associations);
- necessity of lifting the excessive limitations on the exercise of the right to strike, requiring a majority of 60 per cent for calling a strike, prohibiting strikes in rural occupations when the produce may be damaged if it is not immediately available and enabling the authorities to end a strike that has lasted 30 days through compulsory arbitration if no settlement has taken place after the date authorised for the strike (sections 225, 228 and 314 of the Code).

The Committee expresses the hope that the Government will take the necessary measures to ensure the observance of the Convention.

Nigeria (ratification: 1960)

The Committee notes from the report of the Government that the Senate Committee on Labour has not achieved its aim of reviewing all the labour legislation adopted during the previous military regime.

The provisions that have been the subject of comments by the Committee are therefore still in force.

The discrepancies between the legislation and the Convention, which have often been pointed out by the Committee, relate mainly to the Decrees on trade unions.

First, Decree No. 22 of 1978, which amends the Trade Unions Decree 1973 (No. 31), imposes a single trade union system: the Central Labour Organisation is designated by name as the only central trade union organisation; registered trade unions are compulsorily affiliated to this central organisation; various trade unions appearing on a list have been registered while those registered under the 1973 Decree have had their registration cancelled without appeal; furthermore, only one trade union may be set up for a given category of workers.

Referring to the General Survey submitted to the 69th (1983) Session of the International Labour Conference, and in particular paragraphs 134 and 136, the Committee points out "sometimes legislation explicitly establishes a single trade union system ... The result ... is to make it impossible to establish a second organisation ... when first-level organisations must conform to the constitutions of the single central organisation" and points out 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 above-mentioned provisions, particularly the institution of a single central trade union organisation, are such as to affect the right to establish trade unions freely. It is not that the Convention favours trade union diversity but that it implies at least that trade union diversity should, in every case, remain possible. The Committee takes note of the Government's contention that a proliferation of first-level unions does not make for smooth labour relations, but points out that, where a de facto monopoly has been established by the workers because they consider it to be in their interest or results from a factual situation that the parties consider satisfactory, legislation should not institutionalise this factual situation, since the workers should be able to safeguard their freedom to set up, should they so wish in the future, unions outside the established trade union structure.

Secondly, restrictions on the right to establish trade unions exist under the law (Article 2 of the Convention):

- Decree No. 31, as amended in 1978, lays down a minimum of 50 workers for the establishment of a trade union, a figure that the Committee has always considered too high for compatibility with the right of workers to establish organisations of their own choosing;
- section 11 of this Decree, moreover, excludes certain categories of workers from the right to organise (employees of the Customs Preventive Service, the Nigerian Security Printing and Minting

Company, the Central Bank of Nigeria and Nigerian External Telecommunications Limited), which is contrary to the principle that guarantees the right to organise in trade unions to all workers without distinction whatsoever.

The law also lays down restrictions on the carrying out of trade union activities (Article 3):

- sections 42 and 43 of Decree No. 31 confer on the Registrar of Trade Unions wide powers of supervision and investigation of trade union accounts, which restricts the right of trade unions to organise their administration and activities;
- the arbitration procedure established by various provisions of the Trade Disputes Decree, 1976 (No. 7) becomes compulsory if negotiations break down, which amounts in practice to an indirect prohibition of the right to strike that limits the possibilities open to workers' organisations of furthering and defending their members' interests and their right to formulate their programmes.

The Committee notes that, according to the Government, the Committee on the Review of Labour Laws should examine the suggestions made in its earlier comments on the minimum number of workers required for the establishment of a trade union.

Furthermore, with regard to the prohibition placed on certain categories of workers from forming trade unions, the Committee notes that the Government considers them to belong to the essential services and states that if they went on strike they could cripple the economy. The Committee is obliged to state that under the Convention the right to establish and join trade unions must be granted to all workers without distinction whatsoever and that workers must therefore have the means of furthering and defending their economic interests, although the possibility of going on strike could be denied to workers employed in essential services in the strict sense of the term. The definition of these services given by the Committee at paragraph 214 of its 1983 General Survey means that the term should only be applied to services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

With regard to the powers of the Registrar of Trade Unions, the Committee recalls that Decree No. 31 gives the Registrar discretion to refuse the registration of a trade union if he considers that another union, already registered, is sufficiently representative of the interests of the workers in question. Furthermore, the amalgamation of trade unions and the rules of the resulting unit are subject to his approval. The Committee has already pointed out that the powers conferred on the Registrar are such as to create a serious obstacle to the formation of a trade union and may result in denying the right to establish a trade union without previous authorisation.

Lastly, the Committee takes note of the Government's statement that it intervenes in negotiations only when they break down. Nevertheless, as the Committee has pointed out in its earlier comments, the compulsory arbitration procedure in the event of the breakdown of negotiations amounts to an indirect prohibition of the right to strike or results at least in the rapid ending of a strike, since a dispute must be submitted to compulsory arbitration (Decree No. 7 of 1976). The Committee recalls that it considers the strike

to be an essential means by which workers may defend their occupational interests and that trade unions should have the right to organise their activities and formulate their programmes in full freedom. The Committee requests the Government to indicate whether its intervention in the collective bargaining process results in restricting recourse to strike action or in ending industrial action such as strikes.

The Committee notes that the above points have been the subject of its comments for many years and requests the Government to re-examine the whole situation in the light of its observations.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Norway (ratification: 1949)

The Committee takes note of the comments transmitted by the Norwegian Oil Workers' Federation (OFS) concerning the application of the Convention. This trade union organisation refers to other comments that it presented in December 1983 concerning the possibility for the Government to oblige the parties to submit disputes to a compulsory procedure before a wage committee, thereby restricting (or prohibiting) the exercise of the right to strike.

The Committee recalls that factual situations have been the subject of complaints against the Government of Norway before the Committee on Freedom of Association (Case No. 1099 and Case No. 1255) and that these questions have already been dealt with in detail by the Committee in a request addressed directly to the Government.

However, the Committee takes note of the concern expressed by the Norwegian Oil Workers' Federation (OFS) concerning the wage negotiations that will take place in the Spring of 1986, as the Federation considers that the same procedure adopted by the Government in previous years - namely the prohibition of strikes and recourse to compulsory arbitration - will also be applied this year.

The Committee requests the Government to provide information on further developments. It will proceed to examine the questions raised by the OFS when it is in possession of all the necessary information.

Paraguay (ratification: 1962)

The Committee takes note of the information transmitted by the Government in its report and of the report on the direct contacts mission carried out in Paraguay from 23 to 27 September 1985, as an annex to which appears a series of proposals for the amendment of the provisions that were the subject of the Committee's earlier observations.

The Committee notes from the Government's report that the public servants excluded from the provisions of the Labour Code under section 2 have their own associations, which carry out the function of furthering and defending the economic interests of their members, and are therefore true trade unions. The Committee observes that the

representative of the Director-General, in the mission report, pointed out to the authorities the need to clarify the legal situation and adopt the necessary measures to dissipate any doubts with regard to the right to freedom of association and collective bargaining of workers in public bodies and autonomous enterprises producing goods or supplying public services, and to recognise expressly the right of public servants to associate not only for cultural and social purposes (section 31 of Act 200), but also for the purposes of furthering and defending their occupational and economic interests. The Committee also notes that the mission proposed that the authorities should repeal section 36 of Act 200 which prohibits public servants from adopting collective resolutions against the measures taken by the competent authorities.

The Committee also notes that the authorities informed the representative of the Director-General that for political reasons it would not be acceptable to the Government to amend section 285 of the Code, which prohibits trade unions from receiving subsidies or economic assistance from foreign or international organisations. The authorities also indicated that the prohibition on trade unions from discussing or participating in "political matters", refers to party political matters and is interpreted as such; in practice, trade unions discuss economic and social policy. The Committee also takes note from the mission report that officials of the Ministry of Justice and Labour expressed doubts as to whether the courts could in fact suspend decisions by the Ministry of Justice and Labour dissolving a trade union organisation (section 308 of the Code).

The Committee hopes that the Government will take measures to amend the legislation on these matters and it will take into account in this regard the discussions which took place during the mission.

The Committee notes that the mission submitted to the authorities drafts of possible amendments to section 353 (the requirement of three-quarters of the members to call a strike) and section 360 of the Labour Code (services in which strikes are prohibited), and section 284 (submission of collective disputes to compulsory arbitration) and section 291 of the Code of Labour Procedure (dismissal of the workers who have stopped work during the procedure).

The Committee requests the Government to state its intentions with regard to the drafts of possible amendments to the legislation that were discussed during the mission, and expresses the hope that the necessary measures will be taken to bring the legislation into conformity with the Convention.

Philippines (ratification: 1953)

The Committee notes the written information transmitted by the Government to the Conference Committee in 1985, as well as the Government's report and Case No. 1323 examined by the Committee on Freedom of Association in November 1985 (241st Report, paras. 341 to 374).

In particular, the Committee notes with interest that, according to the Government, there have been recent developments in the industrial relations field (ministerial-level review of labour

legislation, tripartite conferences to recommend changes to the Labour Code, introduction in Parliament of Bill 4962 to amend the Labour Code in line with some of the comments of the Committee of Experts, and due to be discussed in June 1985).

However, the Committee draws the Government's attention to the following discrepancies which continue to exist between the national legislation and the Convention:

1. Article 3 - right of unions to further and defend the interests of their members

- Requirement of a two-thirds majority of union members in a bargaining unit for the calling of a strike (section 264(f) of the Labour Code). The Committee notes that Bill 4962 proposes to reduce this requirement to a majority vote.
- A very broad and non-restrictive list of cases of labour disputes that may affect the national interest, in which the Government may end the disputes through compulsory arbitration accompanied by a prohibition on strikes and the possibility of dismissing trade union leaders and workers participating in an illegal strike (sections 264(g) and (i) and 265). The Committee notes that the ministerial-level study team and a national tripartite conference are considering these provisions to determine the necessity of maintaining the illustrative list since the right to strike is recognised in the Code; it also notes that Bill 4962 proposes to restrict section 264(s) to disputes "in an industry indispensable to the national interest" including, inter alia, banks which go beyond the Committee's definition of essential services in the strict sense of the term and in which strikes may be prohibited (namely, services the interruption of which would endanger the life, personal safety or health of the whole or part of the population).
- Penalties of up to six months' imprisonment for participation in an illegal strike (section 273(a)). The Committee notes the Government's statement that there appears to be no real obstacle to lowering the penalties to a more reasonable level through Bill 4962 or a national tripartite conference recommendation.
- Immediate deportation and prohibition from returning to the Philippines except with the special permission of the President of the Philippines of any foreigner participating in an illegal strike (section 273(b)). The Committee notes the Government's statement that this provision is aimed at foreign workers without valid work permits, including foreign employers, and that the ministerial-level study team is reviewing the need to amend this provision in the interest of clarity. The Committee hopes that this provision will be amended so as to affect clearly only those foreigners without valid work permits and so as to provide for a reasonable time lapse before the deportation takes effect.
- A sentence of penal servitude for life for organisers or leaders of strike pickets or collective actions deemed to be meetings or demonstrations held for propaganda purposes against the Government, mere participation being punishable by imprisonment

(section 146 of the Penal Code). The Committee notes the Government's opinion that this provision is political in character, not intended to cover the exercise of legitimate trade union acts like strikes and peaceful pickets.

2. Article 2 - right of workers to establish organisations of their own choosing

- Requirement that at least 30 per cent of the workers in a bargaining unit shall be members of a trade union for the union to be registered (section 234(c) of the Labour Code). The Committee notes that Bill 4962 proposes to reduce this requirement to 20 per cent, which, in the Committee's opinion, still represents a restriction on the creation of unions in large undertakings.
- Requirement of too high a number of trade unions of the same region or branch (ten) to establish a federation or a registered national union and the impossibility of registering more than one federation or national union per branch of activity in a given area or region (sections 237(a) and 238). The Committee notes the Government's indication that the "one-union-one-industry" case before the Supreme Court remains unresolved and that these provisions have therefore not been implemented, a number of federations having been registered without the imposition of these requirements.

3. Article 2 - right of workers without distinction whatsoever to join trade unions

- Prohibition on the direct or indirect participation of foreigners in any form of trade union activity (section 270). The Committee notes the Government's explanation that this prohibition applies to foreigners without valid work permits, and its undertaking to correct the technical defect in the wording in the immediate future.

4. Article 3 - powers of supervision by the authorities over the management of trade unions

- Powers of inquiry conferred on the Minister of Labor in respect of the financial management of trade unions (section 275). The Committee notes the Government's undertaking to amend this provision to reflect the established practice and policy of intervention only upon complaint or at the request of unionists.

In view of the above, in particular the Government's formal undertaking to amend sections 270 and 275, the amendments (in Bill 4962) currently before Parliament to amend sections 264(f) and 234(c), and the high-level study into the possible amendment of sections 264(g) and (i), 265, 273(a) and (b), the Committee trusts that the Government will soon be able to report (and provide copies) that

appropriate amendments have been made to the Labour Code to bring it in conformity with the Convention.

As regards section 146 of the Penal Code, the Committee would again recall that the peaceful exercise of the right to strike is one of the essential means that workers and their organisations must have for advancing their economic and social occupational claims. The restriction or prohibition of its exercise is compatible with the Convention only in respect of public servants acting in their capacity as agents of the public authority or in essential services in the strict sense of the term, where the interruption of such activities due to a strike would endanger the life, personal safety or health of the whole or part of the population. Furthermore, strikes carried out as an expression of solidarity or a gesture of protest should be admissible. Moreover, the Committee considers 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 in these cases the sanctions should be proportionate to the offences committed; penalties of imprisonment should not be imposed in the case of peaceful strikes. The Committee considers that the application of disproportionate penal sanctions does not favour the development of harmonious industrial relations.

Although the Government states that section 146 is not intended to cover strikes and peaceful pickets, its present wording goes beyond the above criterion and the Committee hopes that the current reviews of the labour legislation recommend clarification of this provision.

Similarly, in view of the Government's statement that sections 237(a) and 238 of the Labour Code are not being applied, the Committee hopes that their repeal will be included in the recommendations of the bodies undertaking the high-level reviews.

The Committee observes that in Case No. 1323, the Committee on Freedom of Association examined Letter of Instruction No. 1458 of 1 May 1985 and the ministerial "Guide-lines" issued under it, concluding that any hasty decision to refer disputes to compulsory arbitration (under the jurisdiction of the President or the Minister of Labor) would not be in conformity with the "Guide-lines" which stress the voluntary settlements of labour disputes. The Committee notes that Letter of Instructions No. 1458 has not yet been used and that the Government - given the varied reactions to it from both labour and management - has included it in the current review of labour relations laws. The Committee requests the Government to inform it of the status of this Letter of Instruction and of any use made of it to end labour disputes.

Lastly, the Committee is conscious of the fact that important political changes have recently taken place in the country. It would, accordingly, express the firm hope that the new Government will take full account of the above comments in an endeavour to bring the legislation into conformity with the Convention.

The Committee would remind the Government that the International Labour Office is at its disposal for any assistance it may need in formulating legislation that will give effect to the Convention. It would, accordingly, invite the Government, should it consider it appropriate, to seek such assistance in the near future.

Poland (ratification: 1957)

Following the observation it made in 1985 the Committee takes note of the information supplied by the Government in its reports, particularly with regard to the setting up and the activities of the All-Poland Consensus of Trade Unions. It also takes note of a joint communication from the International Confederation of Free Trade Unions and the World Confederation of Labour, concerning the situation with regard to trade unions in Poland, which was transmitted to the Government, and which it proposes to examine at its next Session.

In its previous observation, the Committee noted that several provisions of the trade union legislation (Trade Union Act, Act concerning farmers' socio-occupational organisations, Act on the representation of non-manual workers employed by the State, all three adopted in October 1982) were not in conformity with the rights recognised by the Convention. The following points were raised:

- the establishment to a varying extent of single trade union systems which are incompatible with Article 2 of the Convention (section 53(4) of the Trade Union Act; section 33(2) of the Act concerning farmers' socio-occupational organisations; section 40 of the Act on the representation of non-manual workers employed by the State; section 14(1) of the Act concerning the trade unions for persons employed in military units and in state enterprises under the jurisdiction of the Ministries of National Defence and the Interior). The Committee notes with regret that, under the amendments made to the Trade Union Act by an Act of 24 July 1985, the restriction imposed on the setting up of more than one trade union organisation in an enterprise has been extended indefinitely, until such date as will be determined by the Council of State;
- non-recognition of the right to organise to officials of prison establishments (section 12 of the Trade Union Act);
- restrictions on the right to strike: acceptance of the decision to call a strike by the majority of the workers concerned and the prior agreement of the higher trade union body (section 38(1) of the Trade Union Act); a very extensive list of essential services in which strikes are prohibited (section 40); restriction of strikes to the defence of the social and economic interests of a clearly defined group of workers (section 37(1)).

The Committee expresses the hope that the Government will adopt the necessary measures to amend the legislation on these points in order to bring it into conformity with the Convention.

The Committee is addressing a direct request to the Government concerning other points.

Romania (ratification: 1957)

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

With reference to its previous observation, the Committee observes that the information supplied by a Government

representative to the Conference Committee in 1984 largely repeats the statement made by the Government representative before the Conference Committee in 1981 and the previous report of the Government. 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), 225th Session (February-March 1984) and 228th Session (November 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 trade unions 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, read as a whole, 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". The Committee stresses in this regard 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 is recognised legally to the workers.

With regard to the links between the Party and the trade unions, which have been the subject of previous 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).

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 previous 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 understands from the statement made before the Conference Committee that this provision applies to any collective labour disputes that may occur. It requests the Government to indicate whether, in these cases, the decisions of the bodies which settle labour disputes are binding.

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

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Senegal (ratification: 1960)

The Committee takes note of the Government's report. In its previous comments, the Committee pointed out that section 1(4) of Act No. 65-40 of 22 May 1965 concerning seditious associations permits the dissolution by decree of associations or groups whose activities would be such as to perturb, by unlawful means, the functioning of the constitutional order. The Committee notes from the report that the amendment of the provisions called in question by the Committee has been referred to the Minister of the Interior, who is responsible for

this area, and that, after studying this law, he has observed that it applies only to seditious associations and cannot concern trade union organisations, their operation coming under the Labour Code (section 12 of which specifies the legal forms of dissolution, which can be only voluntary, statutory or judicial).

The Committee takes note of this information. It would point out, however, that the practical application of this provision could conflict with Article 4 of the Convention. In the opinion of the Committee, it might lead to a situation in which, when the administrative authority considers that a trade union organisation is unlawfully perturbing the functioning of the constitutional order, this organisation may be dissolved. The Committee feels bound to point out that the Committee on Freedom of Association has had in the past to deal with a matter of this kind since, in one case concerning Senegal (No. 749), a union considered by the Government to have placed itself voluntarily outside the law was dissolved by a decree issued under section 1(4) of Act No. 65-40 [139th Report of the Committee on Freedom of Association, Case No. 749, paras. 468 to 480, approved by the Governing Body at its 191st Session (November 1973)].

The Committee, therefore, urges the Government to take the necessary measures to ensure that this Act is amended in such a way that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Syrian Arab Republic (ratification: 1960)

The Committee takes note of the report of the Government communicated to the Conference Committee in 1985 and of the discussion that followed.

The Committee notes the developments relating to political and trade union organisation referred to by the Government, including the fact that farmers and other workers have a place in the bodies responsible at the various levels of political, economic and social decision-making in the country. It also notes that, by virtue of Act No. 1 of 1985, public servants may now form their own trade unions although they are still governed by the labour legislation.

With reference to its earlier comments, the Committee observes that it has been drawing the Government's attention for many years to the incompatibility of the single trade union system established by law with the provisions of the Convention. The Committee recalls that its observations have related to Legislative Decree No. 84 of 1968 concerning trade unions (section 7), Legislative Decree No. 250 of 1969 (section 2) and Act No. 21 of 1974 concerning peasants' co-operative associations (sections 26 to 31), which organise trade unions into a single structure. The Committee notes the Government's statements that the legislation grants workers the right to form occupational unions in all branches of activity and in every province. The Committee emphasises, however, as it has already done, that the terms of the law do not give the workers the possibility of establishing trade unions outside the structure already established, namely that directly linked to the General Federation of Workers' Unions, which is incompatible with Articles 2 and 5 of the

Convention. The Committee has also pointed out that section 25 restricts the trade union rights of non-Arab foreign workers, whereas Article 2 covers workers "without distinction whatsoever".

In its earlier comments, the Committee has also pointed out that the free administration and independent management of the trade unions were restricted by the provisions of Legislative Decree No. 84 (sections 32, 35, 36, 44(c) and 49(c)) and of Legislative Decree No. 250 (sections 6 and 12), contrary to the right of workers' and employers' organisations to organise their administration and activities without interference by the public authorities, as laid down in Article 3.

Furthermore, the Committee has pointed out that the right to strike is prohibited in the agricultural sector by virtue of section 160 of the Agricultural Labour Code of 1958, which deprives agricultural trade union organisations of an essential means of furthering and defending the occupational interests of their members and is thus incompatible with Article 3.

The Committee notes that, according to the Government, a careful study to bring the legislation into harmony with the Convention has just been started with the assistance of the trade union organisations concerned, but points out that the necessary amendments to the legislation are still awaited to bring the legal texts into conformity with the Convention have not yet been adopted. In view of the proposals made by the Conference Committee to help the Government to resolve its difficulties with the technical assistance of the ILO, the Committee would suggest that the Government might give this possibility the closest attention.

The Committee trusts that the Government will be able in the near future to take the necessary measures to give full effect to the Convention.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Trinidad and Tobago (ratification: 1963)

The Committee takes note of the information supplied by the Government in its latest report, from which it appears that the comments of the Committee on the effective application of this Convention have been noted but that action to amend the Prison Service Act, the Fire Service Act and the Civil Service Act has not yet been taken, since the Legal Drafting Division is still understaffed and preoccupied with other pressing and important issues.

The Government adds, moreover, that the suggestion of the Committee regarding section 59(4)(a) of the Industrial Relations Act, 1972, which prohibits unions other than majority unions from going on strike, is being considered carefully. Nevertheless, the Government is of the view that the exclusion of this provision would militate against the growth of effective trade unionism to which the Government is committed. It confirms, however, that the amendment of the Industrial Relations Act is still receiving consideration and states that copies of its report have been communicated to the employers' and workers' occupational organisations, which have made no observations

on the practical application of the Convention or the application of the legislation or other measures giving effect to the Convention.

1. The Committee recalls the necessity of amending section 24(3) of the Civil Service Act, 1965, under which an existing or recognised association that wishes to represent a class or classes of civil servants already represented by a recognised association may not do so and may not admit to its membership a civil servant who is a member of a recognised association. The Committee also points out once again that section 28 of the Fire Service Act, 1965, and section 26 of the Prison Service Act, 1965, contain similar provisions.

The Committee is of the view that these provisions restrict the rights of civil servants, firemen and prison officers who are already represented by an appropriate recognised trade union association to join, should they so wish, an association other than that of which they are at present members. These provisions conflict with Article 2 of the Convention, which guarantees to all workers, including civil servants, firemen and prison officers, the right to establish and join organisations of their own choosing. The Committee therefore again invites the Government to amend its legislation to bring it into conformity with the Convention.

2. The Committee urges the Government once again to take measures to amend sections 59(4)(a) and 65 of the Industrial Relations Act, 1972, as amended in 1978, so as to enable a simple majority of the workers in a bargaining unit to call a strike and ensure that any resort by the Minister of Labour to the Tribunal to put an end to a strike is confined to strikes in essential services, in which the strike would endanger the life, personal safety or health of the whole or part of the population.

The Committee also asks the Government to state whether it has resorted to sections 59(4)(a) and 65 of the above-mentioned Act to put an end to a strike and, if so, in which sector and in what circumstances.

Tunisia (ratification: 1957)

The Committee takes note of the report of the Committee on Freedom of Association concerning the complaints against Tunisia (Case No. 1327) approved by the Governing Body at its 232nd Session (March 1986).

It has examined the many allegations made in this case: violations of collective bargaining, requisitions of persons on strike, arrests and dismissals of strikers, restrictions on trade union meetings, suspension of a trade union newspaper, suppression of the check-off system, the detachment of civil servants to permanent trade union services and the occupation of trade union premises.

The Committee also notes that, according to the report of the Committee on Freedom of Association, the conditions within which normal trade union activity can take place are no longer guaranteed in the country.

The Committee requests the Government to take the necessary measures, basing itself on the guarantees set out in the Convention, so that trade union organisations may freely exercise their activities.

It requests the Government to inform it of any developments in the situation.

Furthermore, the Committee recalls that in its previous observation, it made comments concerning the right to strike (the need for approval by the central trade union organisation for the calling of a strike, the possibility of imposing compulsory arbitration to end a strike that might affect the national interest, the possibility of requisitions when a strike is considered to be such as to affect a vital interest of the nation). The Committee once again requests the Government to amend the legislation on these points to bring the provisions concerned into conformity with the Convention.

Lastly, the Committee notes that, under section 251 of the Labour Code, a person sentenced to a term of imprisonment of more than three months is prohibited from becoming an executive member or administrator of an occupational organisation. While noting that this provision does not apply to offences that are political or trade union in character, the Committee recalls that conviction on account of offences the nature of which is not such as to call into question the integrity of the person concerned and is not such as to be prejudicial to the exercise of trade union functions, should not constitute grounds for disqualification from trade union office (see paragraph 164 of the 1983 General Survey).

Yemen (ratification: 1976)

The Committee takes note of the information supplied by a Government representative to the Conference Committee in 1985, of the report of the Government and of the legal texts that it asked for previously.

The Committee notes in particular that, according to the Government, the existence of the trade union movement in Yemen can be seen in a few unions and associations. However, only part of the information asked for by the Committee in its earlier comments relating to the legislative problems it has raised has been supplied and the Government does not indicate the measures it intends to take to bring the legislation into conformity with the Convention. The Committee notes that the Government considers the divergencies it has pointed out between the Labour Code (Decree No. 5 of 1970) and the Convention to be of an administrative nature. The Committee therefore feels bound to refer again to these divergencies and to draw the Government's attention to the wording of Article 11 of the Convention, under which a State Member that ratifies the instrument "undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise".

1. The Committee has pointed out that section 3 of the Labour Code excludes civil servants from its scope (the law which applies to them, No. 49 of 1977, does not contain any provision concerning trade union rights), as well as manual and non-manual employees of the administration and certain persons working in agriculture, whereas Article 2 of the Convention expressly provides that workers without distinction whatsoever shall have the right to establish trade union organisations. Furthermore, sections 129, 138, 139 and 158 of the

Code establish a single trade union structure by providing for the existence of only one trade union committee per undertaking, only one branch of the general union per town, only one general union per sector of economic activity and only one general federation, and these provisions do not allow the workers the possibility provided for in Article 2 of establishing organisations of their own choosing.

2. Furthermore, under section 153 of the Code, a union is set up upon application by manual or non-manual workers, the founding members, to the Chief of the Service of Labour and Social Affairs, while section 2 of the Code indicates as a trade union an occupational association bringing together at least 50 workers, a figure that seems excessive to the Committee and therefore contrary to Article 2.

The Committee has earlier pointed out that section 154 of the Code provides that, before ruling on an application to set up a trade union, the administrative authority shall verify the sympathies of the persons submitting the application and make sure that they have not been accused of jeopardising the security of the State or sentenced for dishonourable acts. The Committee again requests the Government to specify the scope of this provision and points out that if conditions are laid down for the registration of a trade union they should, in its opinion, be confined to formal verifications and not result in the administrative authority being able to refuse registration at its discretion, which is equivalent to prior authorisation and contrary to the Convention.

Furthermore, the Committee has pointed out that sections 150 and 154 of the Labour Code also makes the filing of and any amendment to trade union rules subject to the approval of the ministerial authority; the chief of the service (who according to the report is at present the Under-Secretary of State of the Ministry of Social Affairs and Labour) may also call on the union at any moment to amend the provisions of its rules. The Committee takes note of the Government's statement that the regulations concerning model rules worked out by the Ministry of Social Affairs and Labour are not of a compulsory nature but merely indicative and that, when a union is set up, the chief of the service may propose a change in its rules so that they conform to the law. It is further specified that the constituent body may appeal to the Minister against a refusal to register a trade union.

The Committee considers that in the event of refusal, a trade union organisation not yet formally registered should be able to appeal to the courts and that, in accordance with Article 3, every trade union should be free to draw up its rules, the filing and registration of which are subject only to verification as to formal questions by the administrative authority.

With regard to trade union elections, the Committee observes from the report that the administration may appoint a representative to attend the constituent assembly of a trade union where the managing committee is to be elected and the rules approved. Furthermore, the Ministerial Regulations of 5 April 1981 concerning trade union elections prescribe printed forms and lay down the instructions and rules to be followed in the matter. The Committee points out that these procedures enabling the administrative authorities to take part in supervising the functioning of electoral operations present risks of interference in the internal affairs of trade unions, an

interference that is incompatible with the principles set forth in Article 3.

3. Furthermore, section 132 of the Code prohibits a trade union from engaging in any political activity and subjects its financial activities (capital investments, purchase of property, transfer of part of its assets) and the acceptance of gifts and legacies to administrative authorisation.

These provisions conflict with the freedom to organise their administration, to hold elections and to draw up their rules that trade union organisations must enjoy, without interference by the public authorities, in accordance with Article 3.

4. As for the procedure for the settlement of labour disputes set up by Ministerial Decree No. 42 of 1975, the Committee notes that, under section 16 of this Decree, the Ministry of Labour can put an end to any claim made by the workers by deciding that the dispute has reached a certain level of importance. Since, in the view of the Committee, the defence of the social, economic and occupational interests of their members is a fundamental activity of trade unions, the Committee requests the Government to indicate whether the power conferred on the Ministry by section 16 is exercised at his discretion or whether precise criteria are applied so as to enable the degree of importance of the disputes to be judged.

5. Under section 157 of the Code, the Council of Ministers may, in certain circumstances, dissolve a general trade union or a union branch. This is incompatible with Article 4, which provides that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority. Moreover, the legislation should accord a right of appeal to the courts against such decisions. In addition, these decisions should not become effective until the period laid down by law has elapsed without the lodging of an appeal or they have been confirmed by the court. Lastly, it is essential for the judges to be able to examine the substance of the case and study the grounds for the suspension or dissolution of an organisation.

6. The Committee hopes that the Government will re-examine the situation of trade union legislation in the light of its comments and requests the Government to keep it informed of any development in this respect.

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In addition, requests regarding certain points are being addressed directly to the following States: Cameroon, Canada, Kuwait, Philippines, Poland, Swaziland.

Convention No. 88: Employment Service, 1948

Algeria (ratification: 1962)

1. The Committee regrets to note that the report of the Government contains nothing new in reply to its earlier comments

concerning the application of Articles 4 and 5 of the Convention. The Government confines itself to stating that the National Manpower Office (ONAMO) consults all the parties concerned, in particular through the Guidance Council, whose members include personalities and representatives of bodies with concern for and knowledge of employment problems. It again fails to state whether measures have been taken to ensure the equal representation of employers and workers on this body, or to provide for the establishment of an advisory committee or advisory committees on which these representatives would sit in equal number.

The Committee trusts that the necessary measures will be adopted in the near future to bring the national regulations into conformity with the provisions of the Convention and hopes that the Government will also be able to communicate detailed information on the way in which employers' and workers' representatives are consulted on the organisation, operation and policy of the ONAMO.

2. With regard to the points raised in its previous direct request, the Committee takes note with interest of the information furnished in reply. It would be grateful if the Government would continue its efforts to provide all the information available, in accordance with the report form, in particular parts IV and VI.

Egypt (ratification: 1954)

The Committee takes note of the information provided by the Government in reply to its earlier comments. It notes in particular that the proposal to create an advisory employment committee at the governorate level is under consideration. The Committee hopes that the Government will be able to communicate in the very near future the text of the order which is to be issued under section 79 of Act No. 137 of 1981 for the purpose of the creation of such committees and that it will give full effect to Articles 4 and 5 of the Convention.

The Committee would also be grateful if the Government could confirm whether a national advisory committee has been appointed and, if so, supply information on its composition and on its responsibilities concerning the organisation, operation and policy of the employment service, according to the terms of Articles 4 and 5 of the Convention.

India (ratification: 1959)

1. The Committee takes note with interest of the Government's report and the information provided in reply to its earlier comments. With regard, in the first place, in a general manner, to the implementation of the recommendations of the Report of the Committee on the National Employment Service (the "Mathew Report"), the Committee notes that of the 56 recommendations initially formulated, 35 have been implemented in various forms and to various degrees, or transmitted to State Governments and to Union Territory Administrations for implementation. The Committee would be grateful if the Government would indicate in more detail in its next report the

recommendations that have been implemented and the measures that have been taken or are envisaged based on the recommendations, in relation to the relevant provisions of the Convention.

2. The Committee notes that the Government has decided not to follow up the recommendation of the Mathew Report concerning the setting up of a Department of Manpower and Planning and a Manpower Service Committee which would have been placed under the control of the national authorities. It would be grateful if the Government would supply additional information on the way in which Article 2 of the Convention is implemented, with reference to the analysis in the Mathew Report (Chapter 11, paragraph 11.8) on the consequences of the transfer of resources and responsibilities to the States. The Committee points out that Article 2 of the Convention stresses the value of the principle of organisation upon which the employment service shall be established on a national basis and under the direction of a national authority; however, this principle is naturally not an obstacle to the decentralisation of administrative responsibilities in the operation of the service.

3. Finally, the Committee takes note of the Government's position concerning the question of compulsory use being made of the employment service. However, recalling the earlier statement by the Government concerning the limited use of the employment service by the private sector, the Committee would be grateful if the Government would provide information on the measures taken or envisaged, when necessary, to encourage full use of the employment service on a voluntary basis, in accordance with the provisions of Article 10.

Sierra Leone (ratification: 1961)

1. The Committee notes from the reply of the Government to its earlier comments that the draft Employment Service Regulations are still under study by the Law Officer's Department.

2. The Committee points out that the Government has been referring for some years to the adoption of these draft Regulations and certain amendments to the Employers and Employed Act (prepared with the technical assistance of the ILO). It trusts that the new legislation will be adopted very shortly and that it will make possible: (a) the setting up of national, regional and local advisory committees ensuring the participation of employers' and workers' representatives in equal numbers in the organisation and operation of the employment service and in the development of the general policy of this service, in accordance with Articles 4 and 5 of the Convention and (b) the determination of the functions of the employment service in accordance with Article 6 of the Convention.

3. The Committee further hopes that the enactment of the new legislation on the employment service will make it possible to reorganise and extend the network of local employment offices in accordance with the statement in the report of the Government.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Singapore (ratification: 1964)

Articles 4 and 5 of the Convention. The Committee notes from the Government's report that informal consultations with both employer and employee organisations on employment matters have been found to be satisfactory and that there is no need to establish an employment service tripartite advisory committee. The Committee would once again point out, however, that these Articles of the Convention require the establishment of one or more advisory committees for 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. As the implementation of these provisions has been the subject of comments since 1965, the Committee hopes that the Government will reconsider the matter and will take appropriate measures as required by the Convention, and that it will provide details in its next report.

United Republic of Tanzania (ratification: 1962)Tanganyika

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

1. The Committee noted that the National Human Resources Deployment Act, 1983, contained 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 indicated also that with ILO assistance a draft project document containing measures to improve the employment service had been prepared and was being studied by the Government. The Committee noted 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 noted with interest that the number of employment offices had 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.

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

Zaire (ratification: 1969)

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

Article 3 of the Convention. The Committee notes with interest that the Government is determined to stimulate the activities of registering and finding employment for jobseekers over the whole of the national territory and to establish new regional employment offices. It hopes that the Government will duly transmit information on the progress achieved in the development of a network of employment offices and on the extent to which these respond to the needs of employers and workers in each region.

Articles 4 and 5. The Committee notes that questions concerning the organisation and operation of the employment service were included on the agenda of the 21st Session of the National Employment Council. In its earlier comments, it also noted that the regional employment advisory committees were encountering operational difficulties due to the lack of material means and personnel. The Committee would be grateful if the Government would provide additional information concerning developments in the way in which the co-operation of the representatives of employers and workers is ensured in the organisation and operation of the employment service and in the development of employment service policy.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Belize, Central African Republic, Cuba, Djibouti, Ethiopia, Guinea-Bissau, India, Libyan Arab Jamahiriya, New Zealand, Nigeria, Philippines, Sao Tome and Principe, Suriname, Syrian Arab Republic, Turkey, Venezuela.

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

Convention No. 89: Night Work (Women) (Revised), 1948

Burundi (ratification: 1963)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Ministerial Order No. 650/277 of 28 October 1985 to provide for exceptions to the provisions of section 111 of the Labour Code (which prohibits the night work of women) in accordance with the provisions of the Convention.

Ghana (ratification: 1959)

Article 4(a) of the Convention. The Committee refers to its previous comments concerning the need to amend section 41(2)(a) of the Labour Decree of 1967 which, contrary to the Convention, permits the suspension of the prohibition of night work by women when work is interrupted by reason of a strike. It recalls that this question has been the subject of comments for several years. It hopes that the necessary measures will be adopted in the near future to ensure the conformity of the legislation with these provisions of the Convention, and requests the Government to report any progress accomplished in this respect.

Philippines (ratification: 1953)

The Committee refers to its previous comments in which it noted that the legislation was not in accordance with the Convention on the following points:

1. Section 130 of the Labour Code prohibits the employment of women in industrial undertakings between 10 p.m. and 6 a.m., representing a period of only eight hours, while under Article 2 of the Convention, the prohibition of night work shall cover a period of at least 11 consecutive hours.

2. Under section 131(e) of the Labour Code and section 5(e), Chapter XI, Book III of the Regulations under the Labour Code, the prohibition of night work by women does not apply (i) where the manual skill and dexterity required for the work is an attribute of female workers and where this work cannot be carried out with the same efficiency by male workers, and (ii) where the employment of women constitutes an already established practice in the enterprises concerned at the date when the Regulations under the Labour Code came into force. These exceptions are not authorised by the Convention.

The Committee notes from the Government's last report that the Bureau of Women and Minors is to propose an amended Act respecting the employment of women and children that will contain provisions that are in accordance with the Convention. It hopes that the necessary measures will be taken so that the text is adopted in the near future and requests the Government to report any progress achieved in this respect.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bahrain, Belgium, Bolivia, Brazil, Cuba, Dominican Republic, Greece, Guinea-Bissau, Kuwait, Panama, Romania, Spain, Swaziland.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948Greece (ratification: 1962)

Further to its previous observations, the Committee notes the information transmitted by the Government to the effect that the Bill for the Minors' Act, intended to bring the legislation into line with the provisions of the Convention, has not yet been adopted. It hopes that it will be adopted soon and recalls that its previous comments concerned in particular the following points:

Article 2, paragraphs 1 and 2, of the Convention. Under the provisions of this Article, the prohibition on the night work covers a period of at least 12 consecutive hours including, in the case of young persons under 16 years of age, the interval between 10 p.m. and 6 a.m. while, according to section 6 of Act No. 4029 of 1912, the period covered by the prohibition of night work is only 11 consecutive hours covering the interval between 9 p.m. and 5 a.m.

Article 4, paragraph 2. Section 8 of the Act authorises the reduction of the period during which night work is prohibited in enterprises, for categories of work where demand for labour increases regularly at certain periods of the year (seasonal activities) or in the case of an exceptional pressure of work, while these exceptions are not provided for by the Convention.

The Committee trusts that the Bill referred to by the Government will be drawn up and adopted in the very near future and that it will ensure full application of the Convention.

Mexico (ratification: 1956)

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

Article 2 of the Convention. In its earlier comments the Committee has pointed out that section 60 of the Federal Labour Act, which defines night work as a period of 10 consecutive hours, does not give effect to this Article of the Convention, which fixes at 12 consecutive hours the night period during which the work of young persons under 18 years of age in industry is prohibited. The Committee notes from the report of the Government that the draft text intended to bring the Act into conformity with the Convention is part of a group of texts affecting also other Conventions that will be submitted to the competent authority as soon as it is completed. The Committee again expresses the hope that the necessary measures will be adopted very shortly and requests the Government to report any progress made.

Philippines (ratification: 1953)

Article 2, paragraphs 1 and 3, of the Convention. The Committee refers to its previous comments in which it pointed out that the regulations enacted by Policy Instruction No. 23 of 30 May 1977 which prohibits the night work of young persons of 16 years of age and under between 10 p.m. and 6 a.m. are not in accordance with the provisions of the Convention under which the prohibition shall cover a period of at least 12 consecutive hours. It notes from the Government's last report that the Bureau of Women and Minors is to propose an amended Act respecting the employment of women and children which will contain provisions that are in accordance with the Convention. The Committee hopes that the necessary measures will be taken so that the text is adopted in the near future and requests the Government to report on any progress achieved in this respect.

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Bolivia, Cuba, Saudi Arabia, Swaziland.

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

Requests regarding certain points are being addressed directly to the following States: Angola, Guinea-Bissau, Iceland, Israel.

Convention No. 92: Accommodation of Crews (Revised), 1949Panama (ratification: 1970)

The Committee notes that the Government's report has not been received. It hopes that the Government's next report will indicate the measures which have been taken to give full effect to all provisions of the Convention (except regarding Article 3(c) and (d) and Article 5(a), (b) and (c)), as requested in the Committee's previous direct request. The Committee is addressing a direct request to the Government concerning the application of the specific technical requirements contained in Part III of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Denmark, Egypt, Guinea-Bissau, Italy, Panama.

Convention No. 94: Labour Clauses (Public Contracts), 1949Burundi (ratification: 1963)

The Committee notes from the Government's report that the draft decree to give effect to the Convention, which was worked out in consultation with the International Labour Office, has passed the first stage in the procedure for the preparation of laws and regulations. It trusts that the Government will be able to state in its next report that the necessary measures have been taken to give effect to the Convention, and that it will communicate all relevant texts.

Cameroon (ratification: 1962)

The Committee takes note of the information provided by the Government in its report.

The Committee recalls that the question which has already been raised concerns the application of Article 1, paragraph 1(c)(ii) and (iii), of the Convention in relation to Article 2. These provisions of the Convention concern the inclusion of clauses guaranteeing to workers in enterprises having concluded public contracts for the purchase of materials, supplies or equipment or for the performance or supply of services, the same working conditions as those established for work of the same character in the trade or industry concerned in the same district.

The Committee hopes that the Government will be able to indicate the steps taken to modify the national legislation and to bring it into conformity with the Convention, as it has promised to do since 1971.

Egypt (ratification: 1960)

In its last report, the Government once again indicates that the Convention is applied because all the workers who might be engaged under public contracts are covered by the generally applicable labour legislation. Moreover, the Government recalls that the Central Body for Management and Administration was requested 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. However, the Committee notes that the Government states, in its comments on the Committee's previous observation that the meaning of the above observation is to seek uniformity of working conditions for workers envisaged under the labour legislation through the inclusion in public contracts of a clause guaranteeing to the workers concerned conditions of work not less favourable than those of others performing similar work. It states that the inclusion in public contracts of the above clause will achieve this equality between all workers with regard to conditions of work since, it says, this objective is the principal aim of the labour legislation.

In this respect, the Committee wishes to point out that the aim of Article 2 of the Convention is not to guarantee to workers engaged under public contracts the same conditions of work envisaged in the labour legislation, but to guarantee them the same conditions of work actually to be found in the industries or services in question. The legislation to which the Government refers envisages, in most cases, minimum standards - for example with regard to wages - and does not necessarily reflect the actual working conditions of workers. Thus, if the legislation lays down a minimum wage, but workers in a particular trade are actually receiving a higher wage than the minimum, the Convention requires that any workers engaged under a public contract be entitled to receive the wage that is generally paid, and not the minimum wage envisaged in the legislation. The Committee therefore once again 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 the generally applicable labour legislation does not always satisfy the requirements of Article 2.

The Committee would therefore be grateful if the Government would indicate in its next report whether the inclusion in public contracts of the clause referred to by the Government in its report will have the effect of guaranteeing to workers engaged under public contracts the same wages (including allowances), hours of work and other conditions of work which are not less favourable than those established in practice for work of the same character in the trade or industry concerned in the same district.

Finally, the Government reports that consultations were held between employers' and workers' organisations concerning the clauses included in public contracts, in accordance with Article 2, paragraph 3 of the Convention. The Committee would be grateful if the Government would indicate whether these consultations resulted in modifications being made to the clauses.

Guinea (ratification: 1966)

The Committee takes note of the information supplied by the Government in its last report and of its intention to undertake an overall reform of the public service and to cover in a new Labour Code all workers carrying out work in public offices and enterprises, and in territorial organisations. The Committee recalls that in accordance with Article 2 read in conjunction with Article 1, paragraph 1(c), of the Convention, public contracts between the Government and private enterprises shall include clauses ensuring to the workers concerned wages and other conditions of work which are not less favourable than those established for work of the same character in the trade or industry concerned. It therefore stresses that a reform of the public service would have no effect with regard to the requirements of the present Convention. The Committee hopes that the necessary measures will be adopted in the near future and that they will ensure the inclusion of these clauses in all public contracts covered by Article 1, paragraph 1(c).

Mauritania (ratification: 1963)

The Committee takes note with interest of the information furnished by the Government in reply to its previous observation. It hopes that the Government will do everything necessary to ensure that the draft Decree of 1979 and the draft Order prepared by the Ministry of Supplies will be adopted shortly so as to give full effect to sections 50 and 95 of Decree No. 80.182/PG and thus to the Convention, in respect of the fixing of the conditions of employment to be granted to workers in undertakings furnishing services or goods to public bodies.

Panama (ratification: 1971)

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

The Committee notes the information reported by the Government to the Conference Committee in 1984 to the effect that, following consultations with the regional adviser, the Government has explored the various options for the full implementation of this Convention. In this context, the establishment of a tripartite inter-ministerial committee is envisaged to discuss the content of regulations governing the minimum conditions which should be included in all public contracts.

The Committee notes that no report was received this year. It hopes that the next report will provide complete information on developments in this respect, and that the contemplated standards will take into account its previous comments. The Committee pointed out that references in the model contracts and the general specifications on the observance of the legislation in force stipulated in the model contracts of the Ministry of Public Works, were insufficient to apply Article 2 of the Convention. The Committee recalls that, under the Convention, the labour clauses should guarantee to the workers concerned conditions that are not less favourable than those established for work of the same character, and that the clauses should be established after consultation with employers' and workers' organisations (Article 2, paragraph 3).

The Committee notes that the information supplied by the Government dealt only with contracts for the construction or maintenance of public works. It again refers to its observation of 1982 and its direct request of 1976 and recalls that the Convention applies in the same way to the other categories of contracts covered under Article 1, paragraph 1(c), (ii) and (iii).

The Committee suggests that the Government should examine the possibility of consulting the International Labour Office when drawing up the new regulations envisaged by the Government.

Rwanda (ratification: 1962)

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

The Committee notes that 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.

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In addition, requests regarding certain points are being addressed directly to the following States: Guatemala, Swaziland, Uganda.

Convention No. 95: Protection of Wages, 1949Dominican Republic (ratification: 1973)

The Committee takes note of the information provided by the Government to the Conference Committee in 1985 and in its report regarding matters raised by the Committee in earlier comments. The Committee also takes note of the comments by the Central Workers' Union (CUT), received by the Office on 15 March 1985, concerning action to be taken to put into effect the recommendations made by the Commission of Inquiry. In accordance with the established practice, the observations of the CUT were transmitted to the Government to enable it to make such comments as it considered appropriate. The Committee requests the Government to provide the information requested previously concerning the following points.

1. Legislative measures. (a) Article 2 of the Convention. The Committee drew the Government's attention to the need to extend the provisions of the Labour Code relating to the protection of wages to agricultural enterprises employing ten or fewer workers (these enterprises are at present excluded from the Code by virtue of section 265). It takes note of the Government's repeated statement that it is awaiting an opportune moment, given the country's economic, political and social conditions, to submit the necessary amendments to the National Congress. As this question has been the subject of comments since 1978, the Committee hopes that the necessary action will be taken at an early date.

(b) Article 3. The Committee takes note of the Government's statement that the amendments to sections 200 and 202 of the Labour Code to prohibit the payment of wages in the form of negotiable coupons, vouchers, etc., have been submitted for the approval of the legislative authority. The Committee hopes that these amendments will be adopted in the near future (see also point 3 below).

(c) The Committee has also pointed out for a number of years the need to adopt 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 as to the conditions and restrictions 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 the application of the Convention). The Committee once again expresses its trust that the necessary measures will be adopted at an early date.

2. Measures to guarantee observance of the statutory minimum wage in agriculture. The Committee once again recalls that, in paragraph 477 of its report, the Commission of Inquiry stressed that Convention No. 95 is aimed at ensuring that workers effectively receive the remuneration to which they are entitled. As concerns minimum wages, the Committee notes with interest the information provided by the Government to the effect that in accordance with Decision No. 1-85 of the National Wage Committee, the minimum wage, which had previously been fixed at 5 pesos for a working day of eight hours for agricultural workers, was raised to 6 pesos per day. The Government also indicated that this minimum wage undergoes a proportional increase or decrease when the number of hours worked in the day is more or less than eight.

In this respect, the Committee wishes to draw the Government's attention to the following points:

(a) The Committee notes the envisaged increase in the wages of cane-cutters (2 pesos and 33 centavos) per ton of cane cut, a sum which - according to the statement by the Executive Director of the State Sugar Board - will make it possible to guarantee payment of the minimum wage to these workers. The Committee recalls that in this respect the Commission of Inquiry reached the conclusion, in 1983, that the income of sugar-cane cutters had in various circumstances remained very much below the minimum wage (then fixed at 3.50 pesos for an eight-hour working day) and that it made a number of recommendations (see paragraphs 533 to 537 of its report) to correct this situation. Taking into account the increase in the minimum wage to 6 pesos per day in 1985, the adoption of measures to ensure the observance of this minimum wage becomes even more important.

(b) The Commission of Inquiry recommended the establishment, after consultation with the organisations of employers and workers 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. It also recommended measures to guarantee minimum earnings to workers employed in sugar plantations at rates of remuneration 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.

The Committee takes note of the comments made by the Government in its report, in particular concerning the distribution of the working time of cane-cutters, and the difficulties of the sugar industry in view of the prices on the world market. The Committee, nevertheless, wishes to stress the importance of the fixed statutory minimum wage being actually paid to the workers.

The Committee therefore once again draws attention to the above recommendations of the Commission of Inquiry and requests the Government to inform it of the measures adopted to put them into effect.

(c) The Commission of Inquiry recommended that measures be adopted, after consultation with the organisations of employers and workers concerned, for checking the accuracy of the weighing of cane, including inspections by official agencies outside the sugar plantations, and measures be adopted by which the workers can check weighing operations through their own representatives and that simple and rapid procedures for investigating and settling complaints or disputes be instituted.

The Committee welcomes the information transmitted in the Government's last report concerning the supervision of the exact weight of cane. The Committee, like the Government, and in accordance with the recommendation of the Commission of Inquiry, considers that the most effective method of checking the weight of cane is the presence of the representatives of the workers, chosen by the workers themselves, and the supervision that these can exercise in weighing operations. The Committee would be grateful if the Government would continue to inform it concerning the measures adopted, and the regulations and orders decreed, both concerning state plantations and those owned privately, in order to give effect to this recommendation of the Commission of Inquiry.

3. Payment of wages in negotiable wage vouchers. The Committee takes note of the Government's statement to the effect that the practice of paying wages by means of negotiable vouchers has been abolished, and of the proposal to remove the corresponding provision from the Labour Code when it is revised. The Committee would be grateful if the Government, when the announced reform takes place, would transmit a copy of the instructions or of any other text abolishing this method of paying wages in state plantations, and copies of documents distributed to cane-cutters in the plantations to certify the quantity of cane cut and the wage amounts to which they are entitled.

The Committee would also be grateful if the Government would provide information on the measures taken to abolish the payment of wages by means of negotiable vouchers on the plantations of the Casa Vicini.

4. Measures with a view to ensuring the provision of basic foodstuffs to workers on sugar plantations at fair and reasonable prices (Article 7). The Committee notes with interest the information supplied by the Government regarding the progress achieved in the implementation of the agreement concluded in January 1983 between the State Sugar Board and the Price Stabilisation Institute, concerning the production of food crops to be made available to the

workers at accessible prices, and the operation of pharmacies to provide medicine at reduced prices to the workers requesting it.

The Committee also requests the Government to give information on any corresponding measures on privately owned plantations.

5. Deferred payment of wages. The Government stated in its previous report that the necessary measures would be taken, when the next recruiting contracts were concluded, to abolish the practice of deferring the payment of wages of sugar-cane cutters. The Government states in its report that this practice has been abolished, and indicates that an incentive is paid to the workers and that they are guaranteed an exchange into dollars at parity rates of 25 per cent of the wages due, and an allowance of \$55 for each Haitian worker engaged under contract at the moment of his departure. The Committee hopes that the Government will provide details of the new regulations adopted and a copy of the latest recruiting contracts concluded, containing the guarantees referred to by the Government.

The Committee also requests the Government to indicate the measures adopted to ensure the observance of the Convention in this respect on the plantations of the Casa Vicini.

6. Enforcement. The Committee once again requests the Government to supply detailed information on the inspection activities in sugar-cane plantations carried out by the inspection services of the Ministry of Labour and the results of such inspections regarding the observance of the workers' rights with regard to wages.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Portugal (ratification: 1983)

The Committee notes the Government's first report. In its previous comments, the Committee referred to the report (adopted by the Governing Body at its 29th (February-March 1985) Session) of the Committee set up by the Governing Body to examine the representation made by the General Confederation of Portuguese Workers under article 24 of the ILO Constitution, alleging non-observance by Portugal of several Conventions, including Convention No. 95. The Committee wishes to draw the Government's attention to the following points.

The Committee noted in its earlier comments the information supplied by the Government concerning its assessment of the situation with regard to the non-payment or delayed payment of wages in numerous enterprises, and concerning the action carried out by the General Labour Inspectorate concerning the payment of wages. It requested the Government to supply, in its first report on the application of the Convention, the information referred to in paragraph 50 of the report by the Committee of the Governing Body concerning the measures adopted to resolve the problem of the delayed payment of wages, the results obtained through the application of these measures and the legal nature of the enterprises (public, mixed or private) where delays were experienced in the payment of wages. The Committee recommended in particular that all appropriate measures should be taken by the Government to ensure the effective application of the provisions of the national legislation giving effect to Article 12,

paragraph 1, of the Convention, and particularly: (i) the imposition of appropriate penalties under Article 15(c), and (ii) effective accelerated procedures enabling workers to recover rapidly and in full the amounts due to them in respect of wages, including the necessary guarantees in case of bankruptcy or judicial liquidation of the undertaking.

The Committee notes with interest the adoption of Legislative Decree No. 50/85 to institute a wage guarantee system for remuneration due to workers and requests the Government to supply information on its application in practice. It notes, nevertheless, that the Government has not supplied the other information called for by the Committee of the Governing Body and hopes that this will be forthcoming in its next report.

Turkey (ratification: 1961)

Articles 2 and 13, paragraph 2, of the Convention. Further to its previous observations, the Committee takes note of the information transmitted by the Government to the Conference Committee in 1985, and the information transmitted in its last report. It notes that studies have been undertaken with a view to enacting an Agricultural Labour Code covering the workers in this sector in an adequate manner (Article 2). The Committee also notes that the Government is conscious that additional measures may be required concerning workers in small commercial and craftwork enterprises (Article 2). Finally, the Committee notes that, in accordance with statements by the Government, measures will be taken so that the practice concerning the payment of wages, which is in conformity with the Convention, may be more clearly reflected in the legislation (Article 13, paragraph 2).

The Committee therefore requests the Government to indicate in its next report the measures taken to ensure the full application of the Convention. It also recalls that the Government may wish to consult the Office when preparing the measures to resolve the outstanding questions.

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

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Japan (ratification: 1956)

The Committee takes note of the comments made by six workers' organisations on the application of the Convention. It further notes that a representation alleging non-observance of the Convention was subsequently made by a number of Japanese trade unions under article 24 of the ILO Constitution which is pending before the Governing Body.

In accordance with established practice, the Committee defers its examination of the matter pending conclusion of the representation procedure.

Pakistan (ratification: 1952)

Part II of the Convention: The Committee has taken due note of the information provided by a Government representative to the Conference Committee in 1985, to the effect that the Fee-Charging Employment Agencies (Regulation) Act, 1976, has not been made applicable to any part of the country, since all the employment exchanges had been established by the provincial governments under their direct supervision and no fee-charging employment agencies had been allowed to work in the private sector for the purpose of profit.

The Committee recalls that the Act in question was adopted following comments made by it on the need for measures to lay down the progressive abolition of fee-charging employers' agencies conducted with a view to profit (Article 3 of the Convention) and pending their abolition, to regulate the activities of such agencies (including the activities of persons who act as intermediaries for the purpose of supplying workers for an employer such as labour contractors and private recruiters) as well as those of fee-charging agencies not conducted with a view to profit (Article 6). The Committee accordingly expressed satisfaction in its observation of 1976, at the adoption of the Act which prohibits (section 3) any employment agency to act as a fee-charging employment agency, save exceptions as provided for in the Act; the Act further enables the competent authority (section 6) to prohibit all or any of the fee-charging employment agencies to operate in any area where a public employment service has been set up.

As the Act in question has not been made applicable, and although the Government has declared that there are no fee-charging employment agencies in Pakistan, there appear to be no statutory provisions in force to lay down formally the abolition of fee-charging employment agencies as required by Article 3 of Part II of the Convention which has been accepted by Pakistan. The Committee accordingly expresses the hope that the relevant provisions will be brought into force to give legislative effect to this requirement of the Convention.

The Committee recalls in this connection that as regards employment abroad, "overseas employment promoters" are licensed under the Emigration Ordinance of 1979, to recruit workers for emigration. While such exceptions to the requirement of Article 1 are allowed under Article 5 of the Convention, the Government is required under Article 9 of the Convention to include in its reports all necessary information thereon. The Committee refers in this respect to a direct request first made in 1984, which it is addressing again to the Government. It hopes that the Government will supply full information on the matters mentioned in Article 9 of the Convention, as regards exceptions permitted to the prohibition of fee-charging employment agencies.

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Sri Lanka, Swaziland.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Argentina (ratification: 1956)

The Committee takes note of the report supplied by the Government and of the discussions which took place in the Conference Committee in 1985. It also notes the comments made by the General Confederation of Labour, in a communication dated 12 December 1985.

In its previous observation, the Committee made comments concerning the application of Article 4 of the Convention. While appreciating the efforts made by the Government in the social field, the Committee requested the Government to continue to supply information on developments in the situation and in particular on any measure adopted or envisaged to restore in full the voluntary negotiation of collective agreements for the regulation of conditions of employment.

According to the comments made by the General Confederation of Labour (CGT), the situation with regard to collective bargaining has remained unchanged since 1976, and Act No. 21307 of 1976, under which the executive authority assumes sole power for the fixing of wages, remains in force. The CGT considers that the situation has even deteriorated following the adoption of Decree No. 1193/85 published in the Official Bulletin on 27 June 1985.

The Committee takes note of the Government's statement that it has taken the irreversible decision to re-establish the system of freedom of negotiation. It notes in particular that under Act No. 23126 of 1984, collective agreements have wholly recovered their legal force as from 3 November 1985.

The Committee notes, however, that the Government is still encountering difficulties in returning to a system of free wage-fixing, particularly as a result of inflation which has reached 400-600 per cent annually. The Committee notes that, in order to combat the economic and financial crisis, the Government enacted in June 1985 a programme of wholesale reform of the economy called the "Austral Plan" which established a temporary price and wage freeze (Decree No. 1096/85). According to the Government, these measures have already resulted in a major decrease (3.2 per cent in December 1985) in inflation.

The Committee also notes that the Government established a transitional scheme for the revision of collective agreements (Decree No. 2224/85 of 20 November 1985) and that it has taken into consideration requests made by some trade union organisations for the revision of a number of collective agreements. The new scheme has made it possible to discuss employment conditions and to award wage increases which do not negatively affect the cost of products, through a system of production incentives. Furthermore, the Government adopted a Decree to grant a general increase of 5 per cent in basic

wages and to authorise the Ministry of Labour to award additional increases of up to 5 per cent in respect of production incentives.

Finally, the Committee notes that the Government set up in July 1985 a body called the Economic and Social Conference, which is tripartite in nature, with a view to encouraging the dialogue between the sectors concerned and formulating suggestions concerning the economic and social policy of the Government.

The Committee is conscious of the seriousness of the economic and financial situation of the country, and expresses the hope that the measures thus adopted will make it possible to strengthen the dialogue between the Government and the social partners and for an agreement to be reached between the sectors concerned with regard to wage-fixing policy.

Brazil (ratification: 1952)

The Committee notes the observations of the National Confederation of Workers in Credit Undertakings (CONTEC) concerning the application of the Convention. It observes that the Government has not yet sent its comments on the observations in question and requests the Government to send these so as to enable it to examine the question in full possession of all the facts.

Burkina Faso (ratification: 1962)

The Committee takes note of the reports of the Committee on Freedom of Association concerning Case No. 1266 approved by the Governing Body at its 228th Session (November 1984) and its 231st Session (November 1985), to which attention has been drawn by the Committee on Freedom of Association. The Committee notes in particular that acts of discrimination (dismissals) have been committed against teachers for having engaged in trade union activities, namely a peaceful protest strike lasting 48 hours.

The Committee recalls that the right of association under the Convention implies the guarantee that workers may carry on their trade union activities without suffering any acts of discrimination, and that they should enjoy protection against such acts (Article 1 of the Convention).

Since, by virtue of the legislation in force (Act No. 45/60/AN of 25 July 1960 and Act No. 22/AL/59 of 20 October 1959), workers in the public service are entitled to carry on trade union activities and, in particular, have the right to strike, they should be able to exercise this right without running the risk of suffering penalties, such as dismissal, in their work.

In the view of the Committee, which is in conformity with the opinion it expresses in paragraph 277 of its General Survey of 1983, the teachers dismissed on trade union grounds should be reinstated. It understands from Case No. 1266 that reinstatement has been offered to the dismissed teachers by the Government, but on condition that they sign a declaration of political loyalty to the Committees for the

Defence of the Revolution, and that a number of them have agreed to do so.

The Committee considers that acts of dismissal for peaceful strikes and reinstatement only upon agreement to specified conditions conflict with the principles concerning protection against acts of anti-union discrimination during employment, established by Article 1. It therefore requests the Government to ensure that, in accordance with the principles of the Convention, acts of discrimination for trade union activities are not committed against workers for carrying on trade union activities and, in particular, that they are offered unconditional reinstatement in their posts.

The Committee requests the Government to inform it in its next report of any developments in the situation.

[The Government is asked to supply full details to the Conference at its 72nd Session.]

Central African Republic (ratification: 1964)

The Committee has studied the conclusions concerning Case No. 1040 contained in the report of the Committee on Freedom of Association approved by the Governing Body at its 231st Session (November 1985).

The Committee notes in particular that in September 1981 the Government called a "trade union truce", which implies the suspension of all trade union activities, and that, according to the Government, this situation was to be reconsidered only when the time had come, all circumstances favouring a harmonious development had been re-established and the causes of the economic and social disturbances had been overcome.

The Committee requests the Government to indicate how, in these circumstances, it fulfils the obligation to encourage and promote voluntary collective negotiation in accordance with Article 4 of the Convention and to supply detailed information on the manner in which conditions of employment are settled at the present time.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Denmark (ratification: 1955)

The Committee takes note of the Government's report and of the discussions that took place in the Conference Committee in 1985. The Committee has also taken note of the report of the Committee on Freedom of Association in the case concerning Denmark (Case No. 1338, 243rd Report of the Committee, paragraphs 209-247), approved by the Governing Body at its 232nd Session (March, 1986).

In its previous observation the Committee, having examined comments submitted to it by the Danish Federation of Trade Unions (LO) and the Salaried Employees' and Civil Servants' Confederation (FTF), addressed itself to the measures adopted in October 1982 to suspend clauses concerning the indexing of wages to the cost of living contained in existing collective agreements. The Committee notes from

the information supplied by the Government that this statutory suspension (which was accompanied by other laws restraining dividends, bonuses and profits) involved a wage and salary freeze for a period of only five months (until 1 March 1983) following which new collective agreements were concluded which, in general, observed voluntarily the framework of 4 per cent that had been recommended by the Government. The Committee notes that when, in March 1985, negotiations for the renewal of those agreements broke down, there was widespread industrial action affecting what the Government claims were vital functions and services and bringing important sectors of trade and industry to a standstill. To counteract this action the Government introduced Act No. 123 of 31 March 1985 which, in effect, extended existing collective agreements for a further two years and put an end to strike action. The Committee also notes that this legislation fixed a general framework of 2 per cent for the first year and 1.5 per cent for the second year within which wage increases could be negotiated. It also provided for a reduction in working hours with full wage compensation. The Committee has also taken note of the Government's arguments that, in view of the economic situation in Denmark, it finds it necessary to continue to maintain a very strict incomes and costs policy.

The Committee refers to its previous observation in which it recalled that a fundamental aspect of freedom of association is the right of workers' organisations to negotiate wages and conditions of employment freely with employers and their organisations, and that any restriction on the free fixing of wage rates should be imposed as an exceptional measure and only to the extent necessary, without exceeding a reasonable period; such restrictions should be accompanied by adequate safeguards to protect the living standards of the workers.

As regards the action taken by the Government in October 1982 to suspend wage indexation clauses, the Committee notes that although it interrupted previously negotiated arrangements, the effect of that suspension only lasted until March 1983 when collective bargaining took place freely and agreements were reached within a framework recommended by the Government. The Committee considers that since the restrictions imposed by the suspension of the indexation system only lasted for five months and that this was followed immediately by free collective bargaining, the Government's action as a whole did not go beyond what the Committee has previously accepted as being reasonable, having regard to economic difficulties which governments claim require emergency measures to be taken.

With regard, however, to the legislative measures taken by the Government in March 1985, the Committee considers that the Government has not supplied adequate information to show that the statutory renewal of collective agreements and the imposition of wage rates until 1987 were exceptional measures, nor has any indication been given that steps will be taken, following that legislation, to reintroduce free collective bargaining. The Committee would urge the Government to pursue its discussions with the occupational organisations concerned with a view to restoring as early as possible a situation in which collective bargaining and the negotiation of wage settlements can take place freely and without statutory or other

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

See also under Convention No. 87.

Ecuador (ratification: 1959)

See under Convention No. 87.

Federal Republic of Germany (ratification: 1956)

See under Convention No. 87.

Guatemala (ratification: 1952)

The Committee takes note of the information communicated by the Government to the Conference Committee in 1985 and of the Government's report.

Articles 4 and 6 of the Convention. On a number of occasions the Committee has requested the Government to amend section 4 of Decree No. 1486 of 10 September 1968, which grants workers in autonomous and semi-autonomous state bodies whose economic activities are similar to those of private enterprises the right only to submit economic and social petitions to the executive bodies, so that these workers may be granted the same rights to free collective bargaining as those enjoyed by workers in the private sector.

The Committee pointed out to the Government in earlier comments that Article 6 of the Convention only authorises exclusion from its scope of public servants engaged in the administration of the State, and that other public servants or public employees should be entitled to enjoy voluntary bargaining procedures in accordance with Article 4 of the Convention.

The Committee notes with interest that section 111 of the new Constitution of the Republic of Guatemala, published in the Official Gazette of Central America dated 3 June 1985, proclaims that the staff of decentralised state bodies whose economic functions are similar to those of private enterprises should have the right to be governed by the ordinary labour law.

The Committee observes, from the statement of the Government representative to the Conference Committee in June 1985 and the latest report of the Government, that the Constitution that had been promulgated was to enter into force on 14 January 1986.

The Committee requests the Government to confirm that the Constitution has actually come into force and to keep it informed of any other measure that may be taken to ensure in practice the application of the Convention through legislation, and to supply any collective agreements governing the staff of decentralised state bodies.

Guinea-Bissau (ratification: 1977)

The Committee takes note of the information supplied by the Government in a report dated 1985, which has been taken into consideration by the Conference Committee.

In earlier comments, the Committee has pointed out that sections 26 and 27 of Legislative Decree No. 36-173 of 6 March 1947 on collective agreements confers on the National Labour and Social Security Institute the right to participate in the drafting of collective agreements by supervising the negotiations and the drafting, which is contrary to the principle of free and voluntary negotiation between the social partners that is set forth in Article 4 of the Convention. The Committee notes that, according to the Government, this Legislative Decree is no longer in force because Act No. 1-73 provides that the statutory provisions adopted before independence, which was proclaimed in 1973, shall lapse so far as they are incompatible with the Constitution, the ordinary legislation or the aims and principles of the African Independence Party of Guinea and Cape Verde (PAIGE), and that these provisions are in fact contrary to the aims and principles of the Party. The Committee considers, however, that it is desirable, with a view to clarifying the legal situation, for sections 26 and 27 of Legislative Decree No. 36-173 to be specifically repealed.

Furthermore, the Committee notes that the Government acknowledges the existence of a gap in the legal system in respect of the field covered by the Convention, namely the right to organise and collective bargaining. The Committee recalls that measures should be taken, in particular through legislation, to ensure adequate protection - accompanied by civil remedies and penal sanctions - against acts of anti-union discrimination by the employer, as provided by Article 1 of the Convention (the protection afforded by the single central trade union organisation mentioned by the Government not being sufficient to satisfy the requirements of the Convention). Measures should also be taken to ensure adequate protection, including sanctions, against acts of interference as set forth by Article 2. The Committee expresses the hope that the draft General Labour Act referred to by the Government, which contains a chapter that should give effect to the Convention, will be adopted in the near future and requests the Government to inform it of any developments related to the promulgation of legislation giving full effect to the Convention.

It is also desirable that this legislation should not exclude public servants who are entitled to enjoy the guarantees laid down by the Convention, that is to say those who are employed by the State and in the public sector but who are not engaged in the administration of the State, as provided by Article 6 of the Convention.

Furthermore, the Committee notes the Government's statement to the effect that, despite the present gap in the legal system, conditions of employment are the subject of collective bargaining. The Committee therefore requests the Government to supply with its next report practical information on the collective agreements in force, including information on the sectors covered, the number of workers concerned and the duration of the agreements.

Indonesia (ratification: 1957)

The Committee takes note of the report submitted by the Government which contains information in reply to its comments.

1. Article 1 of the Convention. The Committee has observed that, under section 2 of Act No. 14 on basic principles concerning manpower, 1969, there must be no discrimination in the enforcement of the Act or of the regulations issued under it. The Government states in its report that it has taken measures to ensure the protection of workers against acts of discrimination at the time of recruitment by giving practical information to employers on the legal provisions concerning all forms of discrimination. The Committee takes note of this action by the Government, but considers that, if full effect is to be given to this provision of the Convention, specific provisions must be adopted, involving appropriate civil remedies and penal sanctions, in order to protect workers against all acts of anti-union discrimination on the part of the employer, such as dismissal, transfer, demotion or any kind of disciplinary measure, not only at the time of recruitment, but also during the employment relationship. The Committee has previously pointed out that section 1(3) of Act No. 21 of 1954, to which the Government had referred, makes null and void any provision in a collective agreement obliging the employer to accept or refuse to recruit a worker for reasons including membership or non-membership of a trade union. It has observed that this provision seems intended to protect the employer against a "dictatorial" attitude of a trade union (as is stated, moreover, in the explanatory text attached to the Act) and to exclude any system of trade union security rather than to protect the workers against anti-union discrimination within the meaning of Article 1.

The Committee, therefore, once again requests the Government to ensure that specific provisions are adopted, in particular by legislation, in order to guarantee to the workers the protection provided for by Article 1 of the Convention, in all the forms mentioned above.

2. Article 2. The Committee notes that the Government again refers in its report to Regulations No. 01/MEN/1975, particularly section 1(b), which provides that trade union organisations shall be voluntarily established by the workers. It considers that this provision is not sufficient to guarantee occupational organisations protection against acts of interference by each other, as described in Article 2 of the Convention.

The Committee, therefore, once again requests the Government to take specific protective measures, in particular through legislation, involving appropriate penalties, to ensure the observance of the guarantees set forth in the Convention.

3. Article 4. The Committee already observed that, under Regulations No. 49 of 1954, No. PER.01/MEN/1975 (to which Regulations No. 02/MEN/1978 refer), only federations covering at least 20 provinces and comprising 15 trade unions may draw up and sign collective agreements. The Committee draws the Government's attention to the wording of Article 4 of the Convention, which is intended to make collective bargaining possible in the widest sense, and therefore not to restrict it to a given level. Referring to its

General Survey submitted to the 69th (1983) Session of the International Labour Conference, particularly paragraphs 293 to 297, the Committee points out that regulations granting collective bargaining rights only to certain federations impede the full development and utilisation of machinery for the voluntary negotiation of collective agreements and thus constitute an obstacle to the development of industrial relations and that it should be left to the parties involved to fix the level of collective bargaining. The Committee considers that such provisions are in conflict with the obligations placed on governments by virtue of Article 4 of the Convention, namely the promotion of collective bargaining and the utilisation of voluntary negotiation.

The Committee, therefore, once again requests the Government to re-examine the whole situation in the light of these comments with a view to ensuring the application of Article 4 of the Convention.

The Committee again urges the Government to take the necessary measures in the near future on all the points considered above.

[The Government is asked to supply full particulars to the Conference at its 72nd Session].

Jamaica (ratification: 1962)

The Committee takes note of the information supplied by the Government in its report to the effect that the Tripartite Committee entrusted with examining whether it was desirable to revise the labour legislation in Jamaica has decided to make no change in the provisions of existing legislation concerning the collective bargaining process or the process for the settlement of claims concerning workers' representational rights.

1. In order to be able to examine the exact scope of the statutory provisions governing collective bargaining, the Committee requests the Government to transmit any arbitration award imposed at the request of the Minister of Labour in settlement of a collective dispute in accordance with sections 9(3)(a), and 10(1)(c) and (2), of the Labour Relations and Industrial Disputes Act, 1975 (No. 14), and to indicate the sector and the circumstances in which such awards have been issued.

2. As regards the workers' representational rights, the Committee recalls that section 5 of Act No. 14 of 1975 empowers the Minister to cause a ballot to be taken in case of doubt or dispute as to whether the workers in employment wish any union to have bargaining rights in relation to them; section 3, (1)(d) and (2) of the regulations issued under this Act on 6 May 1975 also provides that the Minister may organise a ballot if at least 40 per cent of the workers in relation to whom the request has been made are members of the applicant trade union.

The Committee also recalls that the Committee on Freedom of Association has examined a complaint from a workers' organisation, to which the right to organise a ballot to show that their union was qualified to bargain with their employer had been refused by the Minister, leaving the workers concerned without any right of appeal to renew their application for the organisation of a ballot. The

grounds invoked by the Government were that they represented fewer than 40 per cent of the workers in the undertaking (see Case No. 1158 examined by the Committee on Freedom of Association in its 226th Report, paragraphs 303 to 323, and its 230th Report, paragraphs 85 to 102).

The Committee recalls the principle that if the authorities have the power to hold polls for determining the majority union which is to represent the workers in a bargaining unit for the purposes of collective bargaining, such polls should always be held in cases where there are doubts as to which union the workers wish to represent them, and the principle that if no union can be designated as representing the required percentage, collective bargaining rights should be granted to the union in this unit, at least on behalf of its own members.

The Committee regrets the negative decision, mentioned above, of the Tripartite Committee concerning the right of representation of the workers and, like the Committee on Freedom of Association, again invites the Government to reconsider its position with a view to amending the legislation in order to guarantee that the workers in an undertaking where there is no majority union and who have formed a trade union, even if they represent fewer than 40 per cent of the workers of a bargaining unit, are entitled to negotiate their conditions of employment.

The Committee points out to the Government that the ILO is at its disposal to provide the necessary assistance in the preparation of legislation that is in conformity with the Convention.

Japan (ratification: 1953)

Following its previous comments, the Committee notes that various communications concerning the application of Conventions No. 87 and 98, have been received from the following occupational organisations:

- Council of Public Service Unions (KOMUIN-KYOTO) and Public Services International (PSI).
- Japanese Confederation of Labour (DOMEI).
- The World Confederation of Organisations of the Teaching Profession (WCOTP).
- General Council of Trade Unions of Japan (SOHYO).

Since the Government's observations in reply to the comments by these trade union organisations reached the Committee too close to its Session to enable it to proceed to an in-depth examination of the questions raised, it will carry out this examination at its Session next year.

The Committee recalls that the main points outstanding, which have already been the subject of detailed comments, concern the situation of the employees of Japanese National Railways, the restriction on public officials in the non-operational sector from negotiating their conditions of employment and wages, and the way in which a number of Government decisions have affected in practice the wage-fixing machinery guaranteed by the Trade Union Law to public employees in financial bodies.

Jordan (ratification: 1968)

The Committee takes note of the Government's latest report.

First, the Committee observes that the plans of the Government for the adoption of the new Labour Code are still under study, and takes note of the political difficulties mentioned by the Government, principally the necessity of first adopting a new Constitution. The Committee nevertheless points out that it has been making comments on Article 2 of the Convention for many years, and indeed since the first analysis of the application of the Convention. It has on several occasions drawn attention to the absence of specific provisions involving suitable penalties for infringements of provisions concerning the protection of workers' organisations against interference by employers or their organisations. The Government has indicated its willingness to include provisions for the purpose in the new labour legislation.

The Committee again stresses this point and urges the Government to adopt measures in the near future to give effect to this provision of the Convention.

The Committee points out once again that section 1(2) of the Labour Code excludes from its scope both domestic servants and agricultural workers who are not employed in government organisations or institutions for mechanical equipment or in permanent irrigation work. The Committee requests the Government to state how the workers who do not come within the scope of the Convention are able to negotiate their conditions of employment and wages.

Liberia (ratification: 1962)

The Committee takes note of the Government's report.

With reference to its earlier comments, the Committee notes that the draft Labour Law referred to several times by the Government has not yet been adopted. The Committee refers to the following three points which it has raised previously:

1. The provisions of the national legislation are insufficient to guarantee to workers adequate protection, accompanied by civil remedies and penal sanctions, against acts of anti-union discrimination at the time of recruitment and during the employment relationship, as provided by Article 1 of the Convention.

2. With regard to acts of interference, the Committee also notes that the present provisions do not make it possible to ensure the protection provided for by Article 2 of the Convention, that is to say, that clear and precise provisions, including penalties, should be adopted to protect workers' organisations adequately against acts of interference by employers and their organisations.

3. Furthermore, the possibility provided for by Article 4 of the Convention of bargaining collectively is not accorded to employees of state enterprises and other authorities since these categories are excluded from the scope of the Labour Code. The Committee recalls that the Convention, by virtue of Article 6, does not deal with the position of public servants engaged in the administration of the State. In the opinion of the Committee, the exclusion from the scope

of the Convention of persons employed by the State or in the public sector but not acting in their capacity as agents of the public authority - even when they are in a situation identical to that of public servants whose activities involve the administration of the State - is incompatible with the meaning of the Convention, the only public servants who may be excluded from the scope of the Convention being those engaged in the administration of the State.

The Committee recalls that the Government has submitted a revised proposed Labour Law and a draft Decree of the People's Redemption Council; the adoption of these texts was to have given effect to the Convention, particularly on the points raised by the Committee, but these are still, according to the report, before the competent authorities.

Since the Committee has been making these comments for many years, it trusts that the Government will do everything possible to take the necessary measures to give full effect to the Convention in the very near future.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Libyan Arab Jamahiriya (ratification: 1962)

The Committee takes note of the Government's report and the legislation which accompanied it.

The Committee recalls that, in its previous observations, it noted that section 34 of Act No. 107 of 1975 concerning trade unions ensures protection against acts of discrimination for trade union activities during the employment relationship but not at the time of the recruitment of a worker, contrary to Article 1 of the Convention. The Committee observes that no provision of the legislative texts transmitted with the report provides for this protection of workers. Consequently, the Committee requests the Government to take steps so that specific provisions, accompanied by appropriate civil remedies and penal sanctions, are adopted in order to guarantee workers that they will not be subject to acts of discrimination at the time of their recruitment.

The Committee previously noted that sections 63, 64, 65 and 67 of the Labour Code lay down conditions for the validity for collective agreements, conditions which are contrary to the terms of Article 4 with regard to the free and voluntary negotiation of collective agreements.

The Committee notes that under Act No. 9 of 1984; concerning the organisation of peoples' congresses, it is the responsibility of the Occupational Peoples' Congress, of which the citizens are members (section 2 of the Act), to formulate the internal policy of the enterprise, of the socialist undertaking, of the production unit, of the occupational bodies and of the public service (section 15 of the Act). The Committee requests the Government to provide detailed information on the application, in practice, of this provision, with regard to Article 4, and particularly to specify the role played by the workers' trade unions set up by Act No. 107 of 1975.

The Committee previously noted that agricultural workers are excluded from the Labour Code and that seafarers are governed by the Maritime Code; the Committee requests the Government to transmit a copy of the Maritime Code and the texts of the legislation giving agricultural workers the rights guaranteed by the Convention.

The Committee has studied the Decision of the General Peoples' Committee, No. 184 of 1983, concerning the organisation of municipalities, which, in Part IV concerning the responsibilities of the peoples' committee of the public service in municipalities, lays down that peoples' committees of the public service shall be responsible for the recruitment of workers. The Committee requests the Government to indicate which workers are covered by these provisions and under which provisions the protection against anti-union discrimination set out in Article 1 of the Convention is guaranteed to workers at the time of their recruitment and subsequent employment, and the methods by which they are able to negotiate their conditions of employment and wages.

Malta (ratification: 1965)

With reference to its previous comments the Committee takes note of the communication from the Government on the application of the Convention concerning, in particular, the setting up of the Joint Negotiating Council for the public sector provided for by section 25 of the Industrial Relations Act 1976.

The Committee recalls that the Confederation of Malta Trade Unions (CMTU) has submitted comments in this connection and has for many years been drawing the attention of the Committee of Experts to the necessity of setting up this body to negotiate conditions of employment and wages. In reply, the Government has maintained that the two unions representing all employees in the public sector have not been able to agree on the manner of setting up the Joint Council and that the Government itself is not prepared to impose such a Council on the parties.

The Committee, however, notes the Government's statement that the possibility of collective bargaining exists for this category of worker and that, in fact, negotiations do take place with any union that represents a majority of employees in any sector of the public service in respect of all the employees in this sector. The Committee recalls that, under Article 4 of the Convention, it is for the Government to encourage and promote the full development and utilisation of machinery for the voluntary negotiation of collective agreements. It seems, from the Government's report, that in each sector of the public service the most representative organisation is recognised as the bargaining agent for the whole of this sector.

The Committee requests the Government to supply information on the application of this Article in practice, indicating the number of collective agreements, their duration, the organisations that are parties to these agreements, the sectors covered, the workers concerned, etc., specifically in the public sector.

Nigeria (ratification: 1960)

The Committee takes note of the Government's report.

It observes that its earlier comments related to the exclusion by section 90 of the Labour Decree, 1974 (No. 21) of certain categories of workers from the provisions protecting workers against acts of anti-union discrimination (persons exercising executive, technical, administrative or professional functions as public officials, agents and commercial travellers, self-employed workers and persons employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply).

The Committee notes that the Government repeats in its report its earlier statement to the effect that these persons, although they are excluded from the scope of the Act, enjoy the same guarantees as others and that they have formed themselves into occupational associations and are protected against acts of anti-union discrimination. Furthermore, the Government states that the matter will be looked into by the proposed Committee on the Review of Labour Laws and that the necessary amendments to the legislation may then be made.

Since the review has been proposed, the Committee asks the Government to ensure in the very near future that suitable measures are taken so that the categories of workers excluded by the Act enjoy the guarantees provided for by the Convention, only the armed forces and the police being subject to exclusion from the scope of the instrument under Article 5. In the opinion of the Committee, adequate protection, accompanied by civil remedies and penal sanctions, can be ensured to the workers only so far as this is specifically provided for by the legislation and applies both at the time of recruitment and during employment.

The Committee therefore trusts that the above-mentioned categories of workers will shortly benefit by the guarantees provided for by Article 1 of the Convention and already accorded other workers by the legislation.

Norway (ratification: 1955)

See under Convention No. 87.

Paraguay (ratification: 1966)

The Committee takes notes of the Government's report and the information contained in the report of the mission carried out in Paraguay from 23 to 27 September 1985.

The comments of the Committee referred to the need to adopt express standards to guarantee the right of collective bargaining to officials that do not work in the State administration and to other public employees and workers in public undertakings (in this connection see the observation concerning the application of Convention No. 87), and also to the need to adopt express provisions envisaging civil remedies and penal sanctions to guarantee the

protection of the above categories of workers against acts of discrimination and interference in the terms of Articles 1 and 2 of the Convention.

The Committee notes that the Government refers in its report to the provisions of the Labour Code that give protection against acts of anti-union interference and discrimination. The Committee also notes that a Bill has been drawn up concerning the new monetary sanctions applicable for infringements of the labour law. The Committee also notes from the mission report that the Chamber of Deputies has just approved a Bill concerning legal protection for trade union leaders, including the reinstatement of dismissed leaders and the payment of lost wages.

The Committee wishes to point out that all the measures referred to in the previous paragraph refer to infringements of the Labour Code. Therefore, in view of the fact that officials who do not work in the State administration, public employees and workers in public undertakings are excluded from the scope of the Labour Code under section 2, the Committee emphasises the need to adopt provisions protecting these categories of workers against acts of anti-union interference and discrimination, by means of civil remedies and penal sanctions. The Committee finally notes that the mission proposed to the authorities drafts of possible amendments to the legislation.

It hopes that measures will be adopted in the near future to bring the legislation into line with the Convention.

Trinidad and Tobago (ratification: 1963)

Referring to its earlier comments, the Committee takes note of the information supplied by the Government in its latest report to the effect that, having carefully consider the comments of the Committee of Experts on section 34 of the Industrial Relations Act, it is not convinced that, in the present state of development of trade unionism in Trinidad and Tobago, the granting of representational rights to non-majority unions is necessarily in the best interests of collective bargaining and the growth of trade unionism. The Government maintains that a majority union should be one that brings together 50 per cent of the workers in a bargaining unit.

The Government further explains that the protection of workers' rights under sections 43(5) and 71 of the Industrial Relations Act extends to the organisations of which the workers are members, and that any infringement of workers' or employers' rights, and, by extension, of their organisations, that comes within the scope of industrial relations, is dealt with by the Industrial Court in proceedings brought by either party under section 84 of the Act. It adds that any other acts that are deemed to constitute interference in employers' or workers' organisations, and which do not come within the scope of the Industrial Relations Act, are dealt with under civil law.

Lastly, the Government states that the occupational organisations have made no observations on the practical application of the Convention, on the application of the legislation or on other measures which give effect to the Convention.

1. The Committee understands the explanation of the Government that a majority union is a union having at least 50 per cent of the workers in a bargaining unit. It requests the Government, however, to state in its next report whether, in practice, in a bargaining unit where there is no majority union, a union representing fewer than 50 per cent of the workers concerned may negotiate collectively on the conditions of employment of the workers of this unit at least on behalf of its own members.

2. The Committee requests the Government to state in future reports whether appeals against acts of interference by employers or employers' organisations have been brought before the Industrial Court or the civil courts and, if so, to communicate any court decisions handed down in this regard.

Turkey (ratification: 1952)

The Committee takes note of the information contained in the Government's report and also of the information communicated by the Government to the Conference Committee in 1985. From this, it notes that studies have been undertaken concerning the proposed amendments to Act No. 2822 on collective agreements, strikes and lock-outs; and that, while the tripartite consultations which had taken place in July 1985 concerning these did not involve the participation of Turk-Is, the Government states that the proposals made by that trade union organisation were included in the new draft trade union law which has been submitted to the Prime Minister's office.

The Committee notes that the Government has not indicated the precise nature of the amendments in the proposed draft law, and that a copy of the draft was not enclosed with the Government's report. Nor has the Government given any indication as to whether and, if so when, action is likely to be taken on the draft law containing the amendments.

The Committee trusts that information will be available in the near future on these matters, that any measures taken will be such as to take full account of the observations made by the Committee in 1984 and 1985, and that they will be designed to bring the legislation into conformity with the requirements of the Convention.

Yemen (ratification: 1976)

The Committee takes note of the Government's report and of the information supplied to the Conference Committee in 1985.

1. The Committee notes that the Government states in its report, with regard to the practical application of Articles 1 and 2 of the Convention, that, in the absence of provisions to protect the workers who are the subject of acts of discrimination by their employers can, by virtue of the Labour Code, appeal to arbitration boards and that if workers' and employers' organisations interfere with each other they may turn to the Ministry of Social Affairs and Labour and the arbitration boards. The Committee considers it necessary, however, that specific provisions, particularly in the

legislation, should be adopted to ensure adequate protection of the workers against any act of discrimination by employers both on recruitment and during employment, and of workers' and employers' organisations against any acts of interference by each other. These provisions should allow for appropriate penalties.

Since such provisions do not exist in the Labour Code, the Committee asks the Government to take the necessary measures to give effect to Articles 1 and 2 of the Convention.

2. With regard to collective bargaining, the Committee notes the information provided by the Government and observes in particular that there is no collective agreement in force in the country, conditions of employment being fixed either by the employer before recruitment or by agreement between the parties and subsequently by the employer himself if he so decides or at the request of the workers. The Committee points out that under Article 4 of the Convention it is for the Government to encourage and promote machinery for the voluntary negotiation of conditions of employment. Machinery to facilitate discussion between employers and workers with a view to the conclusion of an agreement freely entered into should therefore be established by the Government.

Furthermore, the Committee has already pointed out that under sections 68, 69 and 71 of the Labour Code, before a collective agreement can come into force it must be registered by the Labour Services, which may in certain circumstances declare it null and void. The Committee notes that the grounds for such a measure include prejudice to the security or economic interests of the country and incompatibility with the regulations and decrees in force or with law and order. The Committee considers that the adoption of measures restricting collective bargaining (such as the requirement of approval before a collective agreement can come into force or its being declared null and void because it conflicts with the economic interests of the country or with law and order or any part of the legislation) is incompatible with the principle set forth in Article 4 of the Convention.

In the opinion of the Committee, rather than subject the validity of collective agreements to government approval, steps should be taken to persuade the parties to collective bargaining to have regard voluntarily in their negotiations to the economic and social policy of the Government and to the general interest. It is possible to establish a system under which collective agreements do not come into force until they have been deposited for a reasonable time with the competent authority, and if this authority considers that certain clauses are not economically acceptable the case could be submitted for opinion and recommendations to a body consisting of workers' and employers' representatives, although the final decision to amend them should rest with the parties to the agreement.

The Committee therefore requests the Government, in the light of its comments, to take suitable measures to give full effect to Article 4 of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Cameroon, Cape Verde, Democratic Yemen, Fiji, Guatemala, Guinea, Iceland, Kenya, Lesotho, Malawi, Papua New Guinea, Philippines, Saint Lucia, Sudan, Swaziland, Togo.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the following States: Belize, Colombia, Ireland, Kenya, Senegal, Seychelles.

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

Convention No. 100: Equal Remuneration, 1951

Barbados (ratification: 1974)

1. In its earlier comments, the Committee referred to differentials in wages paid to men and women under the minimum wage legislation in the sugar industry and in particular the Sugar Workers (Minimum Wage) Order, adopted by the Cabinet in 1982, which re-establishes in wage rates, differentials based on sex and not on the work performed.

The Committee notes with interest from the Government's report that the Sugar Workers (Minimum Wage) Order, 1982, has been in abeyance since it was replaced by a collective agreement fixing wage rates for 1984-85, which eliminates the earlier differences apparent between male and female workers. It also notes the comments of the Barbados Workers' Union, communicated by the Government with its report, to the effect that previously, wages differed between males and females because of the jobs performed but that all reference to sex in the list of jobs has been removed from the agreements, the last one being the Sugar Industry Limited Agreement of 1984. The Barbados Workers' Union indicates its intention of continuing to appraise jobs without regard to sex and on the basis of the work to be performed. The Committee refers to the list of wage rates furnished by the Government with its report and observes that certain jobs are identified without reference to the work to be performed.

The Committee points out the importance of the measures taken to promote the objective appraisal of jobs and asks the Government to indicate the methods used in job classification to give effect to the principle of equal remuneration for work of equal value.

2. In an earlier comment, the Committee noted that there had been no further progress on the Employment and Related Provisions Bill, which was intended to give effect to the principle of equal remuneration in terms similar to those of the Convention, and that it was unlikely that the Bill would be promulgated in the form of the draft in question. It also noted that neither the text of the Bill

nor the comments of the occupational organisations could be supplied to the ILO.

The Committee regrets that the Government provides no information on this matter; it again expresses the hope that the Government will indicate the means by which the principle of the Convention is to be applied to all workers.

3. The Committee calls the attention of the Government to the general observation of 1984 and hopes that the Government will provide with its next report detailed information on the practical application of the principle of equal remuneration for work of equal value, in particular by furnishing information on the way in which the application of this principle is supervised.

Denmark (ratification: 1960)

In its earlier comments the Committee noted that by virtue of section 1 of the Equal Remuneration (Men and Women) Act of 1976 any person who employs men and women must pay them equal wages for the same work. It also noted the information furnished by the Government showing that the scope given to this provision in practice by the social partners corresponds to the notion of equal remuneration for work of equal value, and expressed the hope that on a suitable occasion statutory effect would be given to this practice.

The Committee notes with interest that the Government has prepared a Bill to amend section 1 of the above-mentioned Act of 1976. The proposed amendment will make it clear that equal pay must be given both for the same work and for work to which the same value is given.

The Committee requests the Government to furnish the text of the amendment as soon as it is adopted by the Danish Parliament.

Finland (ratification: 1963)

The Committee notes the information supplied by the Government in its report and in its statement to the Conference Committee in 1984. It also notes the observations made by the Finnish Employers' Confederation (STK), the Employers' Confederation of Service Industries (LTK), the Central Organisation of Finnish Trade Unions (SAK), the Confederation of Salaried Employees (TVK) and the Central Organisation of Professional Associations in Finland (AKAVA).

1. With reference to its earlier comments concerning the action taken on point 3 of the National Programme for promoting equality between women and men, dealing with the status of women in the state administration, the Committee notes with interest that a Civil Servants Bill, submitted to Parliament on 29 November 1984, includes a provision on the prohibition of discrimination on grounds of sex.

The Committee asks the Government to furnish a copy of the Civil Servants Act as soon as it is adopted.

2. The Committee notes with interest that according to section 8, clause (1), of Bill No. 57 respecting equality in both the private and the public sectors, submitted to Parliament on 3 May 1985, discrimination is deemed to include the application by the employer of

less favourable remuneration or other conditions of employment to an employee, than to another employee of the opposite sex employed in work of the same kind or value, unless the employer is able to prove that such treatment has been based on some other factor than sex.

The Committee notes the comments of the STK and the LTK furnished by the Government, to the effect that the employers' organisations had been formally consulted only once by the working group responsible for drafting the Bill and that the employers have constantly emphasised that the Equality Act should not cause unnecessary disadvantages for entrepreneurship or unnecessary disagreements at the workplace. The STK and the LTK consider that the tripartite principle has not been complied with, even in the further drafting of the government Bill.

The Committee notes that the Bill is intended to promote the application of the principle of equal remuneration, regard being had to the system of fixing wages by means of collective agreements, in accordance with Article 2(c) of the Convention, and hopes that the Government will be able to indicate the measures taken to ensure co-operation with the employers' and workers' organisations in order to give effect to the provisions of the Convention. It requests the Government to provide a copy of the Equality Act as soon as it is adopted.

3. In an earlier comment the Committee noted the observations of the Central Organisation of Finnish Trade Unions (SAK), according to which in the very great majority of branches of activity, an actual division of labour remained between male and female jobs and the current criteria for the appraisal of jobs tended to undervalue the skills normally required for jobs that were in practice performed by women. Furthermore, according to the Central Organisation of Trade Unions, there were differences in remuneration suggesting discrimination even in cases where men and women had the same occupational title and were in the same group in respect of occupation, age, education, etc. The Committee notes the observations made in this connection by the STK, the LTK, the TVK, the SAK and the AKAVA so far as they relate to the application of the Convention.

Referring to the explanatory notes attached to the Equality Bill, the Committee notes that the principle of equal remuneration should be put into practice on the basis of a comparison between identical work and work of the same value, in accordance with negotiated systems of job classification, which, if they lead to de facto discrimination between the sexes, must be changed.

The Committee hopes that the adoption of Bill No. 57 respecting equality will promote, within the framework of negotiations between the social partners, the application of the principle of equal remuneration on the basis of classification systems, irrespective of the sex of the workers concerned. It requests the Government to supply full information on the progress made in this connection.

Guyana (ratification: 1975)

The Committee notes with satisfaction that Minimum Wage Orders Nos. 3, 4, 5 and 6 of 1966 respecting employees in dry goods stores,

drug stores, hardware shops and groceries' shops have been repealed and replaced by Orders Nos. 8, 7, 6 and 5, respectively, of 1984, which fix new minimum wages without any distinction on the basis of sex.

India (ratification: 1959)

The Committee notes the Government's report and the comments made by the Centre of Indian Trade Unions (CITU).

In its analysis of the progress achieved in the application of Convention No. 100, CITU notes that the gap between the wages of male and female workers has been reduced during the 1983-85 period, but that the principle of equal remuneration is not yet applied in all the industries in the country. CITU states that the progressive implementation of the Equal Remuneration Act, 1976, according to the States and industries concerned, has enabled employers to maintain differentiated rates of remuneration for male and female workers; for example, only in 1985 did the collective agreement applicable in the plantations of Karnataka envisage identical rates of remuneration for male and female workers. It adds that, in the plantations sector, female workers in the State of Assam still receive lower wages than those received by male workers. In general, in the agricultural sector, female workers receive lower wages than those of male workers for work of a similar nature, except in the States of West Bengal and Tripura where the state governments supervise the application of the legislation.

CITU states that, in the public construction and railway sectors, inequality of remuneration persists: as soon as the 1976 Act was applied to railways, 200 women workers in the Vijayawada division of the South Central Railway were made casual workers. This affected their emoluments, social security and retirement benefits, including pensions. In the construction sector in most States, the difference in wages remains between 2 and 6 rupees, according to CITU; and in the beedi industry, female workers, who constitute the majority of the 80,000 workers in the State of Bihar, receive two-thirds of the remuneration of a male worker for the rolling of 1,000 cigarettes.

According to CITU, the efforts made by the Government are inadequate, and the legislation respecting equal remuneration will remain unapplied, unless women workers and trade unions are associated in the implementation of the principle of equal remuneration and unless governments exercise their political will.

In reply to these comments, the Government stresses the important role of the trade unions in the application of the Equal Remuneration Act, 1976. It also states that measures have been taken by the South Central Railway Administration in collaboration with the organisations of workers concerned in order to absorb the casual female workers, who number, according to the Government, 134 in the various gangs, and that a final decision should be taken in the near future. Finally, the Government states that information with regard to the situation in the beedi industry will be transmitted as soon as it is gathered.

The Committee notes this information and hopes that measures will be taken in order to ensure the full application of the Equal Remuneration Act, 1976.

In this connection, the Committee noted with interest in a previous comment that almost all the States had appointed authorities responsible for examining the application of the Equal Remuneration Act, 1976. It also noted that a draft contemplating the appointment of women as honorary inspectors under the 1976 Act on an experimental basis was under consideration. In its report, the Government states that no final decision concerning the above draft has yet been taken; however, the Government is considering establishing special enforcement machinery to implement labour legislation relating to women and children.

The Committee requests the Government to continue supplying information concerning the various points raised by the Centre of Indian Trade Unions and on the proposal to which it has referred to in its reports. Furthermore, it requests the Government to supply full information concerning the activities of the inspection services, the complaints made concerning the application of the principle of equal remuneration, and all measures envisaged or taken to ensure the effective application of the Equal Remuneration Act, 1976, in the public and private sectors.

Jamaica (ratification: 1975)

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 from the Government's report that the Minimum Wage Order and the National Minimum Wage are currently being reviewed by the Minimum Wage Advisory Commission. The Committee hopes that the Government will soon be in a position to provide details on the outcome of this review. In the meantime, the Committee requests the Government to indicate the measures being taken to ensure application of the principle of the Convention in respect of certain wage orders, e.g. the Printing Trade Order 1973, which, as the Committee has noted for some years, contain different minimum wage rates for men and women workers employed in the same categories.

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

Japan (ratification: 1967)

The Committee notes the information provided by the Government and the comments of the Japanese Confederation of Labour.

In its earlier comments, the Committee noted the existence of a trend towards a wage-fixing system based on job content which the Government considered would 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

pointed out, however, that both employers and workers recognised the merits of the wage-fixing system based on seniority and that it would have to be reformed gradually to avoid jeopardising these merits. The Japanese Confederation of Labour stated that the general wage structure in Japan was based both on age and length of employment and on the type of job and skill, and that at present the value of the labour was not reflected in the level of remuneration. The Japanese Confederation of Labour added that there was a discrepancy between the principle of equal remuneration embodied in the Labour Standards Law, and its interpretation, on the one hand, and the actual wage system, on the other.

The Committee notes the statement of the Japanese Confederation of Labour in its comments, that each undertaking has its own system of determining wages, which generally depends on education, age, sex and seniority in the job. The Committee also notes the information given by the Government showing that the type of job to which women are assigned after joining the undertaking and the job content often differ from those of men because of a wide range of protective measures in favour of women. In accordance with the findings of a survey carried out in 1984 by the Ministry of Labour, muscular strength and physical resistance, a high level of competence and skill, frequent business trips and journeys, night work and long overtime are mentioned, among other things, as characteristics of the jobs to which women are not appointed.

The Committee points out that the Convention, by placing the comparison of jobs on the basis of "equal value" of the work goes beyond a reference to identical or similar work and therefore, in applying the principle, criteria for the evaluation of the requirements inherent in each job must provide a common denominator enabling a comparison between different kinds of jobs. In this regard, the Committee again calls attention to the importance of measures to promote the objective appraisal of jobs as a means of eliminating discrimination on the basis of sex in the fixing of rates of remuneration.

The Committee requests the Government to furnish full information on any measures taken or under consideration to encourage the introduction of a wage-fixing system based on an objective appraisal of jobs and on job content in accordance with the trend that seems to have started some years ago.

Netherlands (ratification: 1971)

In an earlier comment, the Committee noted that, according to the Committee for the Equal Treatment of Men and Women in the Public Service, the system of contributions to the retirement pensions and survivors' benefit scheme set up under the General Old-Age Pensions Act (AOW) and the General Act respecting surviving spouses and orphans (AWW), established differences between men and women and that the trade unions had taken the matter to the European Court of Justice.

The Committee notes with satisfaction that the Act of 6 November 1984 to amend the General Old-Age Pensions Act (AOW), the General Widows' and Orphans' Act (AWW) and the Exceptional Medical Expenses

Act (AWBZ) came into force on 1 January 1985, establishing equal treatment for men and women in respect of the contributions due.

Norway (ratification: 1959)

With reference to its earlier comments, the Committee notes with satisfaction that section 5, subsection 4, of the regulations concerning private pensions schemes has been amended by the Royal Decree of 10 February 1984 so that pensions schemes offering survivors' pensions are granted to widows and widowers under equal conditions.

Portugal (ratification: 1967)

The Committee notes the comments submitted by the General Confederation of Portuguese Workers (CGTP-IN) and by the National Union of Flight Staff in Civil Aviation (SNPVAC) concerning the application of the Convention, and the reply of the Government. The points raised are dealt with more fully in a request addressed directly to the Government.

Switzerland (ratification: 1972)

The Committee notes the information provided by the Government in its report and the statement made by the Government representative to the Conference Committee in 1984.

In 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 have general binding force. 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, particularly in the pasta, cocoa, chocolate, cotton, linen, finishing, ready-made clothing, underwear, fancy leather goods, graphic arts, book-binding, chemicals industry, retail trade in footwear and textiles and cleaning.

The Committee notes with interest from the documents of the Swiss Federation of Trade Unions transmitted by the Government that a plan for the equalisation of male and female wages, providing for an increase in women's wages by four stages, has been adopted in the chemicals industry of Basel Town, Basel Country and Fricktal. Since 1 January 1984 there has no longer been any difference for work of equal value. It also notes that significant progress has been made in the food industry and consumers' co-operatives. On the other hand, the agreement on equality of wages between men and women in the collective agreement concluded between the Employers' Association for the Swiss Watch-Making Industry and the Federation of Workers in the Metal and Watch-Making Industries was refused at the general assembly of the Employers' Association.

The Government states that a parliamentary initiative has been lodged with a view, in particular, to establishing an institutionalised system to facilitate the application of the principle of equal remuneration. The Committee takes note of this information and refers to the statement made by the Government in its previous report to the effect that the principle that men and women were entitled to equal wages for work of equal value might be still more clearly laid down in collective agreements. With regard to the application of the principle of equal remuneration for work of equal value in collective agreements, the Committee points out that respect for freedom of agreement and the autonomy of the parties is compatible with measures of encouragement when such an action is necessary to give full effect to the Convention.

The Committee hopes that the Government will communicate full information on any progress made in the matter and also on any measures taken or under consideration to encourage the application of the principle of equal remuneration by the social partners in conformity with the Convention.

United Kingdom (ratification: 1971)

The Committee notes the information supplied by the Government and the comments made by the Trades Union Congress in a communication dated 29 January 1986. It also notes the Government's statement of 21 February 1986 indicating that a reply to these comments would be sent before the next Session of the Conference.

1. In its previous comments, the Committee noted the entry into force on 1 January 1984 of the Equal Pay (Amendment) Regulations, 1983, under which a woman is entitled to equal pay with a man in the same employment not only when she is employed on "like" work or on work which "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-making). The Committee also noted the previous comments of the Trades Union Congress to the effect that a complaint concerning equal remuneration for work of equal value can be rejected by an Industrial Tribunal, without the case being considered in its entirety or the work assessed by an expert, if an employer, availing himself of section 1(3)(b) of the Equal Pay Act, 1970, as amended, can show that the difference in pay is due to a material factor which is not the difference in sex, and that this factor may be considered as a material difference.

In its report, the Government states that the purpose of the 1983 amendment is to enable a woman to obtain equal remuneration for work of equal value if the reason for the wage differential is discrimination on grounds of sex. The justification of "material factor", envisaged in section 1(3)(b) of the 1970 Act, was introduced to cater for situations where a difference in pay is due not to sex discrimination but to factors such as skill shortages. Furthermore, the Government adds that the procedure whereby industrial tribunals have the possibility and not the obligation, under section 8(2E) of the Industrial Tribunal (Rules of Procedure) Regulations, 1985, to

accept a material factor defence before a case is looked at by an expert is intended to save time and money for the parties concerned when such a defence has a good chance of success. The Committee notes this statement and requests the Government to transmit any judgement concerning the application of section 1(3)(b) of the Equal Pay Act, 1970, as amended.

2. In its previous comments, the Committee noted the allegation by the Trades Union Congress to the effect that, for any comparison, a man and a woman must work at the same time and, consequently, a woman cannot establish a comparison with a man who previously held the job in question.

The Committee notes from the Government's report that, in accordance with a decision by the European Court of Justice on a reference by the English Court of Appeal in *Mccarthys Ltd. v. Smith*, it is possible for a woman to compare her work with that of a male predecessor in the job in question.

3. The Committee also noted in a previous comment, the statement of the Trades Union Congress to the effect that the Act of 1970, by establishing that a woman applicant would need to compare her job with that of a particular man, prevents women who work in establishments where the workforce is made up entirely of women, from submitting a complaint concerning equal remuneration for work of equal value under section 1(2)(c) of the Equal Pay Act, 1970, as amended. Furthermore, under the above Act of 1970, class actions are not possible.

In its report, the Government states that the Act of 1970, as amended, permits comparisons between workers of the opposite sex employed in the same employment, that is to say, working for the same employer or an associated employer. If circumstances do not permit this comparison, it would be impossible for an industrial tribunal to determine what a "hypothetical man" could earn without establishing a comparison between different industries and regions. This approach would not make it possible to determine whether the wage difference was the result of differences based on sex or of economic factors inherent in the industry or the region under consideration.

The Trades Union Congress states that the concept of a "hypothetical man" does not involve a comparison with the wages paid to men employed in other industries or regions. The introduction of this concept into the Act of 1970 would make it possible to establish the remuneration that a man, in the same industry and in the same region as the applicant, would receive for the work under consideration.

The Committee notes these statements and requests the Government to provide detailed information concerning the number of women who cannot avail themselves of section 1(2)(c) of the Act of 1970, as amended, due to the fact that they are employed in enterprises where the workforce is exclusively female, and to indicate the measures taken or envisaged to enable all workers to avail themselves of the benefits recognised by the Act.

It also requests the Government to provide information on a certain number of points raised in a request addressed directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Australia, Barbados, Belgium, Brazil, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Costa Rica, Djibouti, Dominican Republic, Egypt, Finland, France, Gabon, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Luxembourg, Madagascar, Malawi, Mali, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Paraguay, Philippines, Portugal, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Spain, Swaziland, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom, Yemen, Yugoslavia, Zaire, Zambia.

Convention No. 101: Holidays with Pay (Agriculture), 1952

Cuba (ratification: 1954)

The Committee requests the Government to refer to the comments that it has made under Convention No. 52.

Convention No. 102: Social Security (Minimum Standards), 1952

Belgium (ratification: 1959)

Part XII (Equality of Treatment of Non-National Residents), Article 68, paragraph 2, of the Convention. The Committee refers to its previous observation and to the conclusions of the Tripartite Committee of the Governing Body of the ILO entrusted with the examination of the representation submitted under article 24 of the Constitution of the ILO, by the General Federation of Labour of Belgium (FGTB). It notes with satisfaction that section 38 of the Act of 27 December 1984 repealed section 9, paragraph 1(a), of Royal Order No. 118 of 23 December 1982, which excluded certain categories of foreign managerial staff and researchers from the social security system, contrary to this provision of the Convention.

Costa Rica (ratification: 1972)

The Committee takes note of the information supplied by the Government in its last report. It also notes the conclusions of the report of the Committee set up by the Governing Body of the ILO to examine the representation made by various trade-union organisations of Costa Rica, under article 24 of the Constitution of the ILO, alleging failure to observe the Convention.

The Committee is addressing a request directly to the Government with regard to various provisions of the Convention.

Denmark (ratification: 1962)

Part IV (Unemployment benefit), Article 24 of the Convention (in conjunction with Article 69 (i)). In its earlier comments, the Committee noted that section 61, paragraph 3, of Act No. 114 of 24 March 1970 respecting placement and unemployment insurance (which provides that benefits shall be suspended for all members of an unemployment insurance fund or section thereof if 65 per cent or more of the members are considered to be involved in a labour dispute) no longer applied, by virtue of the amendment made by Act No. 229 of 6 June 1979, except in cases where the labour dispute is not incompatible with a collective agreement. The Committee consequently requested the Government to confirm whether the suspension of unemployment benefits was henceforth limited to workers involved in the dispute or whose conditions of employment might be influenced by its outcome. In its report, the Government indicates that this is indeed the case. The Committee takes note of this statement with interest; it hopes that the Government will therefore have no difficulties in completing, in a future revision of the legislation, section 61, paragraph 3, of Act No. 114 of 24 March 1970, respecting placement and unemployment insurance as amended, so as to expressly provide that the suspension of unemployment benefit envisaged in this provision only applies where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, as provided for in this provision of the Convention.

Mauritania (ratification: 1968)

The Committee observes that for the second year in succession the Government has supplied no report on the application of the Convention. It hopes that, following the direct contacts which took place in October 1985 between a representative of the Director-General of the ILO and the competent government services, a report will be supplied for examination at its next session containing full information on the points mentioned in its direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Austria, Bolivia, Costa Rica, Denmark, France, Greece, Italy, Mauritania, Peru, Senegal.

Convention No. 103: Maternity Protection (Revised), 1952Austria (ratification: 1969)

Article 6 of the Convention. The Committee has examined the information supplied by the Government in its report and notes that this information contains nothing new respecting measures taken to bring the national legislation into full conformity with the

Convention. The Committee is thus obliged to return to the question and point out once more that sections 10 and 12 of the Federal Maternity Protection Act and section 75 of the Federal Agricultural Labour Act, although they offer certain guarantees against abusive dismissal and provide for a longer period of protection, are not enough to give effect to the above-mentioned provision of the Convention. The Committee therefore hopes that the Government will do everything possible to include in the above-mentioned legislation a provision corresponding to that of the Convention, all the more as the national legislation at present in force might in practice encourage certain employers to take advantage of the smallest lapse on the part of a woman worker as a pretext for dismissing her during the period of protection, as was pointed out by the Austrian Congress of Chambers of Labour in its comments communicated by the Government with its report for the period 1976-80.

Brazil (ratification: 1965)

The Committee takes note of the information provided by the Government for the period 1983-84.

Article 5 of the Convention. In its earlier comments, the Committee pointed out that Act No. 1711 of 1952 to lay down regulations for the federal public service contains no provision authorising a woman to interrupt her work for the purpose of nursing her child, as provided for by this provision of the Convention. In its reply, the Government points out that section 107 of Act No. 1711 provides for maternity leave of four months starting from the eighth month of pregnancy, and that this leave has also been envisaged for the purposes of enabling the mother to nurse her child. On the other hand, the Government reports that the Administrative Department of the Public Service, responsible for dealing with questions concerning public servants, may authorise the granting of breaks for purposes of nursing, after the four-month period of leave is finished, on the basis of a medical certificate. Such breaks are paid. The Committee takes note of this statement with interest.

Article 6. The Government points out that this provision of the Convention, although it is not applied literally through legislation, is observed in practice in conformity with recent decisions of the Supreme Labour Tribunal of Brazil, which has extended up to 90 days the period during which a pregnant woman cannot be dismissed. The Committee takes note of this statement with interest. It hopes that, in view of the current practice, the Government will be able to bring the legislation into full conformity with this provision of the Convention on the occasion of a legislative reform in the near future, and requests the Government to send with its future reports copies of decisions handed down in this respect.

Cuba (ratification: 1954)

Article 5 of the Convention (breaks for nursing). The Committee has noted the reply of the Government to its earlier comments and also the new Labour Code, which came into force on 26 July 1985.

The Committee observes that the new Code, although it contains detailed provisions on maternity protection in sections 215 to 219, does not provide, as the Convention does, that a woman who is nursing her child may interrupt her work for this purpose during a period or periods whose duration is to be prescribed by national laws or regulations, the interruptions being counted as working hours and remunerated accordingly.

The Committee notes, however, the statement by the Government to the effect that, despite the difficulties raised by the introduction of measures to give effect to this provision, the question has been the subject of a thorough study with a view to finding a solution. The Committee trusts that the Government will do everything possible to give effect to the Convention on this point either through legislative or administrative measures or through collective agreements. The Committee hopes that the next report will indicate the progress made in this field.

Ecuador (ratification: 1962)

With reference to its earlier observations, the Committee notes from the information furnished by the Government to the Conference Committee in June 1985 that the drafts for the amendment of sections 153, 154, 155 and 156 of the Labour Code, which were prepared during the direct contacts of 1980, have not yet been adopted by the competent authorities.

These drafts sections were to bring the national legislation into conformity with the following basic provisions: Article 3, paragraphs 2 to 6, of the Convention (period of maternity leave of at least 12 weeks, including six weeks taken compulsorily after confinement, and extension of this period of leave in the event of delayed confinement or illness arising out of pregnancy or confinement); Article 5 (breaks for nursing to be counted as working hours and remunerated accordingly). With special reference to this latter Article, the Committee takes note of the Government's statement that the reduction of the working day from eight to six hours for nursing women employed in establishments without day nurseries does not in practice entail any reduction in wages. The Committee once again expresses the hope that the above-mentioned drafts will be adopted in the very near future and that, at the same time, the study undertaken by the Equadorian Social Security Institute, which has been referred to by the Government, will lead to an extension of the period of maternity benefits to equal that of the leave, in accordance with Article 4, paragraph 1. The Committee also hopes that the Government will not fail to indicate the progress made in this connection.

The Committee also asks the Government to state whether any new extensions have been made to the social security scheme, with a view to covering all categories of women workers covered by Article 1,

including women wage earners working at home, to which the Labour Code does not apply.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

Italy (ratification: 1971)

Article 6 of the Convention. (Domestic workers). In its earlier comments, the Committee pointed out that the fact that section 2 of Act No. 1204 of 1971 on the protection of working mothers, which prohibits dismissal during the period of pregnancy and the three months following confinement, does not apply to domestic workers is contrary to the Convention. The Committee therefore asked the Government to take the necessary measures to make section 2 of the above-mentioned Act apply to women domestic workers as well.

The Committee notes from the information contained in the latest report that no measure has yet been taken for that purpose. It notes the statement by the Government, however, to the effect that a solution will be sought on the basis of a comparative study of the situation of women workers of this category in other countries to which such comments are not addressed. The Committee trusts that the Government will do everything possible to bring the national legislation into conformity with the Convention on this point, as this incidentally was the case with the national legislation previously in force (Act No. 860 of 1950).

[The Government is asked to report in detail for the period ending 30 June 1987.]

* * *

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

Convention No. 105: Abolition of Forced Labour, 1957

Algeria (ratification: 1969)

The Committee notes the information supplied by the Government in its report which, however, contains no particulars in reply to the previous observation.

Article 1(a) of the Convention. In comments that it has been making for some years, the Committee has noted 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 may lawfully exist or carry on its activities without the approval of the public authorities. Under sections 3 and 7 of the Ordinance, approval is to be refused to, 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". Furthermore, under section 23, associations of a political character can be formed only by decision of the higher organs of the Party. Under section 9, read in conjunction with section 11, any person who sets up, directs, manages or belongs to an association that has not been approved or authorised by the public authorities or an association that is continued or re-formed after it has been dissolved and any person who facilitates the meetings of members of such an association by allowing them to use 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 has also noted 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) shall be required to perform useful work as part of their re-education, training and social development.

The Committee again refers to paragraph 108 of its General Survey of 1979 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 General Survey of 1979 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 threat of penalties involving compulsory labour.

The Committee requests the Government to indicate the measures taken or under consideration to give effect to 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.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Argentina (ratification: 1960)

The Committee takes note with satisfaction of the promulgation of Act No. 23.077 of 22 August 1984, which repeals laws and provisions that have been the subject of comments by the Committee. Act No. 23.077 repeals Acts Nos. 21.322 and 21.325 of 2 June 1976, under which certain political organisations and groups were dissolved and sentences of imprisonment, involving compulsory labour, could be inflicted for activities relating to or connected with these organisations. Act No. 23.077 also repeals section 5 of Act No. 20.840, as amended by Act No. 21.459 of 18 November 1976, on penalties

for subversive activities in any form. Under this section, in conjunction with the provisions on compulsory arbitration, sentences of imprisonment could be inflicted on those who, when a labour dispute was declared illegal by the competent authority, incited disregard for the obligations imposed by the decision of the competent authority.

Belgium (ratification: 1961)

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

Article 1(c) of the Convention. In earlier comments, the Committee noted that under sections 10, 22, and 25 to 28 of the Disciplinary and Penal Code for the Mercantile 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 noted 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.

The Committee notes that a draft bill has been drawn up by the Ministry of Communications and is at present before the Ministry of Justice for study. It hopes that the Government will soon be in a position to report the adoption of the legislation bringing the Disciplinary and Penal Code for the Mercantile Marine and the Fishing Fleet into conformity with the Convention.

Burundi (ratification: 1963)

Article 1(a) of the Convention. 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 of Act No. 1/136 of 25 June 1976 respecting the press, as amended by Legislative Decree No. 1/4 of 28 February 1977, place restrictions on the freedoms of association and 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 prison labour) and therefore come within the scope of the Convention, which prohibits resort to forced or compulsory labour, in particular as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

The Committee notes with interest that the Government agrees to review the prison legislation in order to bring it into conformity with the provisions of the Convention, all the more as, in practice, persons sentenced or placed in detention for political offences are never compelled to perform prison labour. It also notes the intention of the Government to repeal formally the other texts mentioned, which have fallen into abeyance.

The Committee trusts that measures will be adopted in the near future to ensure the observance of the Convention and that the Government will indicate the action it has taken. The Committee

hopes that at the same time other texts, also coming within the scope of the Convention, which are the subject of a more detailed request addressed direct to the Government, will be examined as well.

Canada (ratification: 1959)

Article 1(c) and (d) of the Convention. The Committee previously 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 that do not endanger the safety of the ship or the life or health of persons on board, 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 Government states in its report that a Bill to amend the Canada Shipping Act received its second reading in Parliament on 21 October 1985 and that the references to "hard labour" would be deleted from sections 242(1)(a) and (b). The Government also stated that section 247(1)(b), (c) and (e) does not provide for penalties involving "hard labour" and that the amendment of the provisions of sections 243(1), 244(2) and (4), 245(1) and 246(2) is a longer term project that would require extensive discussions with the parties concerned.

The Committee wishes to draw the attention of the Government to the indications provided in paragraphs 106 to 109 of its general survey of 1979 on the abolition of forced labour, from which it can be seen that the imposition of prison labour or any other form of forced or compulsory labour on one of the five grounds listed in Article 1 is covered by the Convention, which makes no distinction between "hard labour" and other forms of prison labour. The Committee asks the Government to indicate the measures taken to repeal all legislation providing for the forcible return on board of deserters and for the punishment with penalties of imprisonment, involving compulsory labour, of breaches of labour discipline that do not endanger the safety of the ship or the life or health of persons on board.

Central African Republic (ratification: 1964)

The Committee again observes that no report has not been received from the Government. It notes the statement made by a Government representative to the Conference Committee in 1985.

Article 1(a) of the Convention. In comments that it has been making for a number of years, the Committee observed that sentences of imprisonment involving compulsory labour may be imposed under various legislative provisions for any political activity undertaken outside the national movement "MESAN" (Act No. 63/411 of 17 May 1963), for the distribution of publications that have been banned as likely to be prejudicial to the building 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). It noted the indications supplied by the Government to the Conference Committee that a draft ordinance and a draft decree had been under consideration since 1980 to exempt persons sentenced for political reasons from compulsory prison labour were before the Ministry of Justice.

The Committee notes the statement made by a Government representative of the Conference Committee in 1985 that the legislative amendments announced by his Government on several occasions had just been adopted by the National Legislative Committee and would be signed by the Chief of State in the near future.

The Committee notes with regret that the Government has not supplied further information on the legislative amendments referred to at the Conference Committee in 1985 and it again expresses the hope that the Government will do everything possible to ensure the observance of the Convention and that it will be in a position to indicate in the very near future that the necessary steps have been taken.

Dominican Republic (ratification: 1958)

A. Employment of Haitian workers on the sugar plantations of the Dominican Republic

The Committee notes the information provided by the Government to the Conference Committee in 1985 and in its report concerning measures taken to implement recommendations made by the Commission of Inquiry which examined the observance of this Convention. It has also taken note of several communications from the Central Unitaria de Trabajadores (CUT), copies of which are transmitted to the Government.

1. Agreements governing the recruitment of Haitian workers. The Committee notes the Government's statement that in an agreement concluded to regulate recruiting for the sugar harvests of 1984-85 and 1985-86 account was taken of the recommendations made by the Commission of Inquiry. It notes, however, that the text of this agreement has not been supplied. The Committee once more requests the Government to communicate copies of all agreements or contracts concluded since 1983, either by the Government or by employers, in respect of recruiting of workers in Haiti (including any supplementary documents fixing the details of their application).

2. Arrangements for the engagement of workers for the 1985-86 sugar harvest. The Committee notes the allegation by the CUT that, following an announcement by the Government that there would be no organised recruiting of Haitian labourers for the 1985-86 sugar harvest, Haitian workers have been rounded up by organised groups, with the complicity of the Dominican authorities, and supplied to both state-owned and private plantations for money. The Committee would appreciate the comments of the Government on these allegations including indications concerning the arrangements for the engagement of workers which have been in operation during the current sugar harvest and information on the nature and results of any investigations carried out by the public authorities into the allegations in question.

3. Payments to the Government of Haiti in respect of recruiting operations. The Commission of Inquiry recommended that the two Governments concerned should re-examine the amounts of payments to be made to the Government of Haiti on account of recruiting expenses, that any such payments should be subject to clear proof of actual expenditure, and that they should be accounted for in the public accounts of the Government of Haiti. The Committee notes the Government's statement that a careful review of the expenditure in question was made by the two Governments and that they concluded that these expenses were in accordance with the economic needs of recruiting. Subject to clarification of the matter raised in point 2 above (that is, whether recruiting of workers is still undertaken in Haiti), the Committee would appreciate more detailed information on the nature and amount of the various expenses involved, since the financial aspects of recruiting of Haitian workers have a direct effect on the efforts initiated by the plantations to improve conditions of life and work and thus to obviate recourse to any form of constraint to keep the workers at their workplace.

4. Information to workers concerning their conditions of employment. The Commission of Inquiry made various recommendations to ensure that Haitian workers engaged for work on the Dominican sugar plantations were informed of their conditions of employment, including measures to make available in Creole the texts of relevant agreements and employment contracts. The Committee notes the Government's statement that information is provided by means of loudspeaker vehicles. However, the Government has so far not provided any relevant texts, except an individual employment contract in French which, as indicated in the Committee's observations of 1985, did not give sufficient indications concerning the terms of employment. The Committee hopes that the necessary additional measures will be taken to make available to the workers concerned adequate written information on their conditions of employment, and that copies of the documents in question will be communicated to the ILO.

5. Prohibition of payments to officials and employees involved in recruiting of Haitian workers. The Government had previously stated that it was absolutely prohibited for officials and employees involved in the recruiting of Haitian workers to demand or receive any benefits and that severe penalties would be imposed if any such cases occurred. The Government refers in this connection to provisions issued by the State and undertakings, as well as to corresponding penal provisions. It has however failed to identify the legal provisions which lay down the prohibition in question. The Committee once more repeats its request for this information. In so far as the provisions are not contained in general legislation, it would appreciate receiving copies of the relevant texts.

6. Prohibition of infringements of workers' individual freedom. In its latest report the Government rejects allegations that it confines workers in the plantation at which they work. It has however omitted to furnish the information and documents requested by the Committee in the light of indications previously given by the Government, namely a copy of the instructions which, according to the Government, had been issued to the administrators of state-owned plantations to ensure compliance by Haitian workers with their

employment contracts, and indications concerning the penal provisions under which administrators of plantations or their agents could be punished if they sought to confine workers within the plantation or any part of the plantation. The Committee hopes that these indications will be communicated.

7. Communication of other texts previously requested by the Committee. The Committee hopes that the Government will also supply copies of the following texts previously requested by it:

- (a) the specific instructions stated to have been given to the administrators of plantations to ensure that workers are not transferred to another employer without their consent and without full information on the conditions under which they would be employed;
- (b) the decisions or instructions issued to provide that workers recruited in Haiti for work in the sugar harvest shall retain their travel documents and that these documents are to be endorsed with a temporary residence authorisation by the Directorate-General for Migration.

8. Supervision. The Committee notes the general statements made by the Government concerning the existence of Haitian inspectors and supervisors and the fact that the labour inspection service of the Ministry of Labour continues to make inspections. It would appreciate more detailed information on the nature, intensity and results of inspections by the labour inspection service in respect of conditions of Haitian workers on the sugar plantations.

The Committee would, in particular, appreciate information on any measures taken to investigate the allegations made in the comments addressed to the ILO in March 1985 by the CUT, according to which the rights of Haitian workers on the sugar plantations were in many respects not being respected, a matter on which the Government has not so far presented any observations.

B. Other matters

The Committee notes that the Government has not provided any information on the following matters, which have been the subject of comments for many years:

Article 1(c) of the Convention. Under Act No. 3143 of 11 December 1951 (amended by Act No. 5224 of 1959), sentences of imprisonment, involving compulsory labour, may be imposed on persons who fail to complete a task by the agreed date or within the period allowed for carrying it out, when payment has been made in advance. The Committee once more expresses the hope that measures will be adopted in regard to these provisions to ensure that no form of compulsory labour may be imposed as a means of labour discipline.

Article 1(d) of the Convention. Under sections 370, 373, 374, 378(16) and 679(3) of the Labour Code, sentences of imprisonment, involving compulsory labour, may be imposed for participation in strikes. The Committee once more expresses the hope that measures will be taken to repeal or amend these provisions so as to ensure conformity of the legislation with the Convention.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

El Salvador (ratification: 1958)

1. Prison labour. In earlier comments, the Committee noted that under section 49 of the Act respecting the organisation of prisons and rehabilitation centres, prisoners, except those detained for the period of inquiry, are obliged to work in accordance with the legal provisions in force. The Committee notes the information furnished by the Government that persons detained for the period of inquiry, which is not to exceed 72 hours, are exempted from work. The Committee requests the Government to supply information on the measures adopted or under consideration to ensure that persons who have not been convicted in a court of law can in no case be subjected to compulsory prison labour.

2. The Committee notes the statement by the Government in its report that the work in prison establishments mentioned in sections 49, 50 and 51 of the Act respecting the organisation of prisons and rehabilitation centres is compulsory but that it is related to the personal activity of each prisoner, who may earn his living in dignity and honour on the prison premises, that it becomes a paid personal effort, that this tends to encourage a set of habits aimed at rehabilitation and that it is not forced labour but rather a productive economic activity for the prisoner who voluntarily performs craft work. The Committee recalls the indications provided in paragraphs 102 to 109 of its General Survey for 1979, that States that ratify the Convention undertake to abolish forced or compulsory labour in five specific cases and that in these cases the Convention affords protection against all work or service exacted from any person under the menace of any penalty and for which he has not offered himself voluntarily, including compulsory prison labour. The Committee calls the attention of the Government in particular to the relation between the provisions referred to and the following questions already raised in previous comments.

3. Article 1(a) of the Convention. The Committee has for some years been referring to the following sections of the Penal Code, under which penalties of imprisonment, involving compulsory labour by virtue of section 49 of the Act respecting the organisation of prisons and rehabilitation centres, may be inflicted for activities relating 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, 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 again requests the Government to provide information on the measures adopted or under consideration to amend the above provisions, so that no penalty involving compulsory labour can be inflicted for activities connected with the expression of political views or views opposed to the established order.

4. In earlier comments the Committee noted that under section 377 of the Penal Code, penalties of imprisonment, involving compulsory labour by virtue of section 49 of the Act respecting the organisation of prisons and rehabilitation centres, 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. The Committee notes the statements by the Government that the persons concerned are prosecuted under Decree No. 507, which refers specifically to "subversive associations", and for this reason they receive special legal treatment.

The Committee observes, however, that section 1 of Decree No. 507 of 3 December 1980 lays down the procedure applying to persons who, inter alia, commit offences such as those dealt with by sections 291 and 377 of the Penal Code. By virtue of section 2 of the Decree the offences referred to in section 1 are brought before the military courts.

The Committee requests the Government to supply detailed information on the practical application, whether before the ordinary criminal courts or before the military courts in accordance with sections 1 and 2 of Decree No. 507, of section 377 of the Penal Code, including the number of sentences pronounced in the last four years, the criteria referred to by the courts and copies of any specially relevant judgments. It requests the Government to supply a copy of Decree No. 50 of February 1984.

5. Article 1(c) and (d). The Committee has been referring for some years to section 291 of the Penal Code, under which penalties of imprisonment involving compulsory labour by virtue of section 49 of the Act respecting the organisation of prisons and rehabilitation centres may be inflicted on any person who, without creating a situation of public danger, prevents, hinders or paralyses 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 takes note of the statement by the Government that the only case that has arisen of this type of offence, namely the paralysing or desertion of public services, is that of the leaders of the Workers' Union of the Undertaking of the River Lempa Hydroelectric Board (STECCEL), who were placed in provisional custody by order of the military judge of first instance and were released on 9 October 1984, by reason of an acquittal that was confirmed in full by the court martial in accordance with section 34 of Decree No. 50; it also notes that the offence set forth in section 291 may give rise to release from prison on parole and that persons charged with this offence are therefore not liable to be held beyond the period of the investigation.

The Committee also takes note of the 236th report of the Committee on Freedom of Association (Case No. 1258, Official Bulletin, Vol. LXVII, 1984, Series B, No. 3) in respect of the detention and

prosecution of trade unionists and leaders of the trade union imprisoned on 23 August 1980. It notes that under section 13 of Decree No. 507, persons accused of breaching the provisions that are the subject of this Decree, such as section 291 of the Penal Code, shall not be released on parole.

The Committee again expresses the hope that appropriate provisions will be adopted so that no penalty involving compulsory labour can be inflicted in the cases covered by Article 1(c) and (d) of the Convention. Pending the adoption of the necessary provisions, the Committee requests the Government to supply detailed information on the application of section 291 of the Penal Code, including the number of sentences pronounced in the last four years, the criteria referred to by the courts and copies of specially relevant judgments.

[The Government is asked to report in detail for the period ending 30 June 1986.]

France (ratification: 1969)

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

Article 1(c) and (d) of the Convention. The Committee previously noted that, under section 39, subsection 4, and section 59, subsection 1, of the Disciplinary and Penal Code of the Merchant Navy, a sentence of imprisonment involving compulsory prison labour may be imposed on a seafarer for absence from his vessel or refusal to obey an order concerning the service, even in the absence of circumstances where the safety of the vessel or the life and health of persons on board are endangered.

The Committee notes that the working party set up to study the comprehensive review of the whole Disciplinary and Penal Code of the Merchant Navy has given special attention to the repeal of sections 39, subsection 4, and 59, subsection 1, of this Code. It also notes the statement by the Government that these provisions have not been applied for very many years and that section 59, subsection 1, cannot stand in the way of constitutional provisions recognising the right to strike.

Recalling that the provisions in question have been the subject of comments for a number of years, the Committee trusts that the necessary measures will be taken to bring the law into conformity with practice and with the Convention on this point.

Gabon (ratification: 1961)

Article 1(c) and (d) of the Convention. In earlier comments, the Committee noted that under section 153, subsections 1, 4, 5 and 9 (read 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 seafarers are punishable by imprisonment, involving the obligation to work by virtue of Act No. 22/84 of 29 December 1984 to organise prison labour.

The Committee notes the statement by the Government in its report that the procedure for the amendment of the above-mentioned provisions is under way. The Committee again expresses the hope that the draft texts in progress will ensure that sentences of imprisonment involving the obligation to work cannot be inflicted on seafarers for breaches of discipline that do not endanger the safety of the vessel or of persons and that the Government will soon indicate that the legislation has been thus amended.

Greece (ratification: 1962)

1. Prison labour. In its earlier comments, the Committee noted that by virtue of section 55 of the Prison Code of 1967 governing the serving of sentences, every person sentenced to imprisonment is obliged to work. It notes the statements by the Government that section 55 of the Prison Code refers to work as a measure of correction and not as a punishment.

The Committee calls attention to paragraphs 104 to 109 of its general survey of 1979 on the abolition of forced labour, in which it indicated that, in most cases, prison labour has no relevance to the application of the Convention but that it comes under the Convention when it is inflicted in one of the five cases specified in Article 1, whatever the form of the work. The Committee therefore asks the Government to examine the questions raised in the following points.

2. Article 1(c) and (d) of the Convention. In the comments it has been making for many years, the Committee noted that, under sections 4, 6(1), 7, 9(1) and 21 of the Penal and Disciplinary Code of the Mercantile 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 of 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, penalties of imprisonment (involving, under section 55 of the Prison Code, 1967, compulsory prison labour) can be inflicted on seamen for breaches of labour discipline that do not endanger the safety of the ship or the lives or health of persons on board. The Committee indeed noted that similar breaches of discipline that do, however, endanger the safety of the vessel and the lives and health of passengers are punishable under sections 206, 209 and 210(2) of the Code of Public Maritime Law, which are compatible with the Convention.

The Government supplied information to the Conference Committee in 1984 to the effect that the penalties that could be inflicted in cases of violation of these provisions are of a disciplinary and minor nature and involve fines.

Noting also the indication that the State always applies these provisions with moderation, the Committee trusts that the necessary measures will soon 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 practice and with the Convention and that the Government will indicate the action taken.

3. In earlier comments, the Committee referred to the provisions of section 4, subsection 1, of Act No. 3276/1944 of 26 June 1944 respecting collective bargaining in the mercantile marine, which relates to violations of a clause in a collective agreement or the refusal to carry out an order from the competent authority regarding the application of the collective agreement or a decision of an arbitration board established by collective agreement. It also referred to section 15 of Act No. 299 of 25 October 1936 respecting collective labour disputes in shipping, which relates to violations of executory decisions concerning pay. The violations referred to in the above-mentioned provisions can be punished by sentences of imprisonment involving, under section 55 of the Prison Code, compulsory prison labour. The Committee noted that according to the information supplied by the Government to the Committee on Freedom of Association of the ILO, 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 explicitly repeal these provisions.

The Government stated to the Conference Committee in 1984 that Act No. 299 of 25 October 1936 had not been applied since 1944, since sections 1 to 16 were no longer regarded, by virtue of the provisions of section 5 of Act No. 3276/1944 of 26 January 1944, as being in force. With regard to section 4, subsection 1, of Act No. 3276/1944, under which penalties can be inflicted in cases of violation of the Act, it has never been applied and its repeal is under study.

The Committee takes note of this information. It observes that section 5 of Act No. 3276/1944 of 26 January 1944 relates to the extension of collective agreements and to the temporary measures that might be taken during the war by the Minister of the Mercantile Marine.

The Committee hopes that the Government will take the necessary measures to ensure 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 brought into conformity with the Convention and that it will indicate the action taken for the purpose.

Guatemala (ratification: 1959)

1. For several years, the Committee has referred to the need to narrow the definition of vagrancy contained in section 87 of the Penal Code to ensure that it cannot be applied in a manner contrary to the provisions of the Convention.

The Committee takes note with satisfaction of section 3(2) of Government Decision No. 828-84 of 21 September 1984 on the regulations to give effect to the international labour Convention concerning the abolition of forced labour, which provides that the concept of vagrancy applies to persons disturbing public order who not only habitually abstain from working but also lack any legal means of subsistence.

The Committee asks the Government to supply information on the measures taken to bring the Vagrancy Act, adopted by Congressional Decree No. 118 of 23 May 1945, which has its own criteria of application and which also has been the subject of earlier

observations, into harmony with Article 3(1) of Government Decision No. 828-84 of 21 September 1984.

2. In earlier comments, the Committee noted that article 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.

The Committee notes with interest the repeal of the Fundamental Statute of Government on the coming into force of the Constitution on 14 January 1986.

3. Referring to its previous comments on prison labour, the Committee notes the statement by the government representative to the Conference Committee in 1984 that this by no means involved an obligation of forced labour, but simply a right to a reduction in the duration of the sentence under the Act respecting the reduction of penalties. The Committee takes note of Decree no. 56-59 of 18 October 1969, to issue the Act respecting the remission of sentences. It also takes note of section 47 of the Penal Code of 1973, under which the work of prisoners is compulsory.

The Committee recalls the indications provided in paragraph 105 of its General Survey of 1979 on the abolition of forced labour, that the Convention applies to cases in which a person is in any way forced to work because he holds or has expressed particular political views, has committed a breach of labour discipline or has participated in a strike.

The Committee therefore asks the Government to take the necessary measures to ensure that persons covered by the Convention cannot be subjected to penalties involving, by virtue of section 47 of the Penal Code, the obligation to work.

4. The Committee notes that section 2 of Government Decision No. 828-84 of 21 September 1984 referred to above specifically prohibits, in accordance with the Convention and with the Fundamental Statute of Government, any act or measure, of whatever nature, tending to exact the performance of forced labour.

The Committee also takes note with interest of article 46 of the Constitution that came into force on 14 January 1986, which provides that in human rights matters, treaties and Conventions that have been accepted and ratified have precedence over domestic law.

The Committee requests the Government to indicate the measures that have been adopted or are under consideration to give effect to the Convention, to Government Order No. 828-84 and to article 46 of the Constitution of 1986, on the following points already raised in the previous observation:

Article 1(a) of the Convention. (i) Section 396 of the Penal Code, which provides for sentences of imprisonment, involving under section 47 of the Penal Code the obligation to work, for any person who promotes the organisation or functioning of associations that act in accordance with, or obedience to, international bodies propounding the communist ideology or any other totalitarian system, or take part in them;

(ii) Legislative Decree No. 9 of 10 April 1963, under which a sentence of imprisonment involving by virtue of section 47 of the Penal Code the obligation to work, may be inflicted on:

- 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, in conjunction with section 7);
- persons who make communist propaganda or act as agents of international communist organisations (sections 4, 5 and 6(2)).

Article 1(c) and (d). (i) Section 390, subsection 2, of the Penal Code, under which a sentence of imprisonment involving by virtue of section 47 of the Penal Code the obligation to work, can be inflicted on any person who commits acts intended, in particular, to paralyse or disrupt undertakings that contribute to the economic development of the country, with the purpose of impairing national production or important public services;

(ii) Section 419 of the Penal Code, under which any public servant or public employee who fails or refuses to perform one of his duties or delays in performing it is punishable with imprisonment involving, by virtue of section 47 of the same Code, the obligation to work.

Article 1(d). Section 430 of the Penal Code, under which public servants, public employees and employees or clerks of public service undertakings who concertedly abandon their responsibilities, work or service, are punishable with imprisonment, involving by virtue of section 47 of the Penal Code the obligation to work.

5. In earlier comments, the Committee asked the Government to supply the text of Decree No. 7 to issue the Public Order Act, adopted by the National Constituent Assembly in April 1966. The Committee notes that this text has not been sent. It also notes that, under section 139 of the Constitution of 1986, all the matters relating to the Public Order and State of Emergency Act are governed by the Constitutional Act on Public Order. The Committee requests the Government to send the text of the Constitutional Act on Public Order, which is referred to by section 139 of the Constitution of 1986, and again requests the Government to send a copy of the above-mentioned Decree No. 7 of 1966.

6. The Committee notes with interest that, under section 4 of the above-mentioned Government Decision No. 828-84, the competent authorities are to ensure compliance with international labour Convention No. 105 and the provisions of the Decision, and shall impose appropriate legal penalties on those who infringe them. The Committee requests the Government to supply information on the legal penalties applying to those who infringe the provisions of Convention No. 105 and Government Decision No. 828-84.

Guinea (ratification: 1961)

1. The Committee notes with interest the statement by the Government in its report that certain legal texts that have been the

subject of comments for many years and have fallen into abeyance because of the change of political regime in Guinea are to be revised or repealed under the programme for the complete revision by stages of all laws and regulations, in accordance with Ordinance No. 009/PRG/84 of 18 April 1984 in the interests of peace and internal discipline.

The Government states in its report that this procedure will be applied to the following texts:

- Decree No. 416/PRG of 22 October 1964, under which all persons between 16 and 25 years of age are placed in the service of the Organisation for Work Centres of the Revolution, whose purpose is to overcome the technical and economic underdevelopment of the Republic;
- Act No. 45/AN/1969 of 24 January 1969 relating to the disclosure of professional secrets and the unlawful communication of state and party documents;
- Act No. 64/AN/66 of 21 September 1966 to issue the Code of Criminal Procedure;
- all legislation relating to prison labour, the maintenance of law and order, the press and publications, meetings and associations, vagrancy and idlers and the discipline of seafarers.

The Committee takes due note of this information. It hopes that the Government will shortly be able to report progress achieved in bringing the texts it has been commenting on, including sections 71(4), 110, 111, 176 and 177 of the Penal Code, into conformity with the Convention.

2. With reference to its earlier comments concerning Ordinance No. 52 of 23 October 1959 laying down compulsory service which may be of military or non-military nature for all male citizens, the Committee notes the statements of the Government that there is not compulsory military service for all male citizens but that in accordance with an established practice of the Ministry of National Education all students of both sexes, when they leave the national or foreign universities, must perform military service of one year that is devoted entirely to military tasks and not to economic purposes.

The Committee notes that the revision of Ordinance No. 52 of 23 October 1959 is under consideration and trusts that the Government will soon be able to report the measures taken to bring the law into conformity with the Convention.

Haiti (ratification: 1958)

In previous observations, the Committee referred to various questions concerning the implementation of the recommendations made in the report presented in 1983 by the Commission of Inquiry which examined the observance of this Convention in respect of the employment of Haitian workers on the sugar plantations of the Dominican Republic.

1. Agreements governing recruitment of Haitian workers. The Committee notes the Government's statement that a number of improvements were made in the conditions of Haitian workers recruited for work on the Dominican sugar plantations in the agreement concluded for the sugar harvests of 1984-85 and 1985-86, and that further

changes to take account of the recommendations made by the ILO could be considered during negotiations relating to the employment of Haitian workers in subsequent years.

The Committee notes, however, that the Government has not supplied the text of the current agreement. It once more requests copies of all agreements or contracts governing the recruitment of Haitian workers concluded either with the Government of the Dominican Republic or with the State Sugar Board, including additional documents fixing the details of their implementation.

2. Publicity of texts determining conditions of recruitment and employment. The Committee notes the Government's statement that measures had been taken to inform recruited agricultural labourers of the conditions of their contracts in Creole. It would appreciate copies of the documents which have been issued for that purpose.

3. Prohibition of payments to officials and employees involved in recruiting of Haitian workers. The Committee notes the Government's statement that officials and employees of the State who are involved in recruiting of Haitian workers are formally prohibited from receiving any payments or other material advantages from the workers concerned. It once more requests the Government to indicate the legislative or other provisions which lay down this prohibition and establish the requisite penalties. It recalls that section 145 (formerly section 147) of the Labour Code, to which the Government had referred in this connection, is not sufficient, since it relates only to money obtained by means of deductions from wages.

4. Payments to the Government of Haiti in respect of recruiting operations. The Commission of Inquiry recommended that the two Governments concerned should re-examine the amount of payments to be made to the Government of Haiti on account of recruiting expenses, that any such payments should be subject to clear proof of actual expenditure, and that they should be accounted for in the public accounts of the Government of Haiti. In the last report, the Government states that note has been taken of this recommendation pending negotiation of a new agreement. The Committee hopes that this question will receive early attention. As it has previously observed, the financial aspects of the recruitment of Haitian workers have a direct effect on the possibility of improving their conditions of life and work and thus obviating recourse to the constraints to keep workers at their workplace which were noted by the Commission of Inquiry.

5. Supervision. The Committee notes the Government's statement that, with a view to improving supervision of the conditions of life and work of Haitian agricultural labourers in the Dominican Republic, a special section for social affairs has been established at the Haitian Embassy in Santo Domingo. The Committee once more requests detailed information on the manner in which this supervision is exercised, including the composition of the services concerned, statistics concerning their activities and particulars of complaints or irregularities brought to the attention of the Dominican authorities by the Government of Haiti or its officials.

6. The Committee is conscious of the fact that important political changes have recently taken place in the country. It would, accordingly, express the firm hope that the new Government will

take full account of the above comments in an endeavour to bring the legislation into conformity with the Convention. The Committee would remind the Government that the International Labour Office is at its disposal for any assistance it may need in formulating legislation that will give effect to the Convention. It would, accordingly, invite the Government, should it consider it appropriate, to seek such assistance in the near future.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

Iceland (ratification: 1960)

Article 1(c) and (d) of the Convention. In previous comments, the Committee had noted that, under section 81 of the Seamen's Act, 1963, a seaman found guilty of insubordination towards the master, or who, while not resorting to violence or threats, refuses to obey him, is liable, in aggravating circumstances, to detention (involving, by virtue of section 44 of the Penal Code, an obligation to perform labour). The Committee accordingly had requested the Government to re-examine the above-mentioned provision in the light of the Convention.

The Committee notes with regret that section 81 was not repealed at the latest revision of the Act and that the revised Seamen's Act, 1985, contains a provision similar to that of the previous Act. In its report, the Government indicates that the provision is principally intended to secure and strengthen the position of the ship's officer (that of the captain or the officer concerned in each case) in bringing his ship to a safe harbour or shelter in times of danger or in other ways saving the crew subject to due discipline, that the section would not be applied at all to ordinary work under normal conditions and that the sections in question in its previous Act have never been applied. As the Committee indicated in paragraph 117 of its 1979 General Survey on the abolition of forced or compulsory labour, the Convention does not apply to sanctions relating to acts tending to endanger the ship or the life or health of persons on board. As the scope of section 81 of the 1985 Act is not limited to acts endangering the ship or the life of persons on board, the Committee hopes that this provision will be amended in order to ensure that no sanctions involving labour may be inflicted upon seamen in circumstances falling within the Convention. Pending the adoption of amending legislation, the Committee requests the Government to supply copies of any court decisions or authoritative interpretations defining or illustrating the scope of application of section 81 of the Act.

Liberia (ratification: 1962)

The Committee notes that no report has been received from the Government. It must therefore repeat its previous observation which read as follows:

In previous comments the Committee observed that prison sentences (involving, under Chapter 34, sections 34-14, paragraph 1 of the Liberian Code of Laws, an obligation to work) might be imposed in circumstances falling within Article 1(a) of the Convention under section 52(1)(b) of the Penal Law (punishing certain forms of criticism of the Government) and section 216 of the Election Law (punishing participation in activities that seek to continue to revive certain political parties).

The Committee notes from the Government's report for 1982-83 that the draft Labour Law and the draft Decree to implement Convention No. 105 have been modified with a view to excluding from liability to labour resulting as a consequence of a conviction in a court of law, persons convicted for holding or expressing political views or views ideologically opposed to the established political order.

Recalling that the proposed adoption of a new Labour Law has been mentioned by the Government since 1973, the Committee hopes that legislative provisions to ensure observance of the Convention in regard to the above-mentioned matters will be adopted at an early date.

Malaysia (ratification: 1958)

The Committee notes from the Government's report that there are no particulars to be added to the information previously submitted on the matters raised by the Committee in its previous observations. The Committee is, therefore, bound to draw attention again to the following divergencies between national legislation and the Convention.

1. Article 1(a) of the Convention. 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, grant administrative authorities discretionary powers to make orders imposing restrictions or prohibitions on the exercise of the rights of expression and political activities. Contraventions of these restrictions or prohibitions are punishable with imprisonment involving (by virtue of section 52 of the Prisons Ordinance) an obligation to perform labour.

As the Committee has previously pointed out, the imposition of penalties involving compulsory labour 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.

Since these matters have been the subject of comments for over 20 years, the Committee trusts that appropriate action will be taken to ensure the observance of the Convention.

2. Article 1(c) and (d). The Government has previously indicated that a new Merchant Shipping Bill is being prepared to 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 grant powers to obtain the forcible return of seamen to their ship in case of abandonment of service. As the Government has stated for the past 20 years that the legislation was under review, the Committee hopes that the necessary amendments will be adopted in the near future.

3. Article 1(d). In its previous observations, 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).

The Committee has pointed out that these provisions 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. While the Government has previously indicated that only sparing use has been made of these powers, it has provided no specific information on the manner in which the provisions in question have been applied nor any indication concerning the action which it proposes to take to bring the legislation into conformity with the Convention. As this matter has also been the subject of comments for many years, the Committee hopes that the necessary measures to ensure the observance of the Convention will be taken in the near future.

Malta (ratification: 1965)

The Committee notes that the report of the Government contains no information on the following question raised in its previous observation.

Article 1 (c) and (d) of the Convention. In the comments made for a number of years, the Committee noted that sections 171 and 173 (1)(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 are not in practice resorted to and are 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)

1. Article 1(a) of the Convention. The Committee has noted the observation made by the National Labour Front that the Criminal Code (Amendment) Act 1985, Act No. 1 of 1985, punishes with imprisonment the expression of opinions directed against the Government. It also notes the comment by the Government that the allegations of the Front Syndical National are not founded.

The Committee notes that by virtue of subsection 1 of section 296A of the Criminal Code, as amended by Act No. 1 of 1985, any person who publishes or utters publicly any word or expression which imputes a fact which is injurious to or contemptuous or abusive of the Government shall, unless he can substantiate such fact, be liable, on a first conviction, to imprisonment for a term not exceeding three years and, on any subsequent conviction, to penal servitude which shall not exceed ten years. The Committee points out that, by virtue of section 42 of the Prison Regulations, persons sentenced to imprisonment are obliged to work.

The Committee requests the Government to supply details on the practical application of section 296A of the Criminal Code, including copies of any judgements made under it.

2. Article 1(d). The Committee has 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 has pointed out that these provisions are incompatible with Article 1(d) of the Convention. The Committee refers to the statement by the Government in its previous report indicating that the procedure for the repeal of the Industrial Relations Act, 1973, had been set in motion and that a parliamentary committee was drafting completely new legislation on industrial relations after hearing the proposals of the employers' and workers' organisations. The Committee notes from the report of the Government that consideration is being given to bringing the 1973 legislation into conformity with the Convention.

Recalling that this question has been the subject of comments for several years, the Committee requests the Government to indicate the measures taken to bring the 1973 legislation into conformity with Article 1(d) of the Convention.

New Zealand (ratification: 1968)

Article 1(c) and (d) of the Convention. In previous comments, the Committee referred to various provisions of the Shipping and Seamen Act, 1952, under which disciplinary offences may be punished with imprisonment (involving an obligation to perform labour) and seamen absent without leave may be forcibly returned on board ship.

The Committee notes from the Government's report that the Maritime Review Committee was established in 1985 to investigate and resolve a range of problems facing the maritime industry and that that tripartite Committee will consider those provisions of the Shipping and Seamen Act which must be amended to bring the legislation into conformity with the Convention. The Committee notes that the delay

incurred in the revision of the relevant Part of the Act is due to the priority given to amending other Parts of the Act which relate to safety conventions of the International Maritime Organisation. The Committee further notes that the Government has assured the Maritime Review Committee that any recommendation put forward, with which it agrees, will be passed into legislation without undue delay, that a draft amendment to the Shipping and Seamen Act is expected to be put before the House of Representatives in the near future for recess study, and that any amendments resulting from the Maritime Review Committee recommendations can be inserted then. As the provisions in question have been the subject of comment for a number of years, the Committee hopes that the necessary amendments to ensure the observance of the Convention will thus be made in the near future.

Pakistan (ratification: 1960)

Article 1(a), (c) and (d) of the Convention. In comments made for a number of years, the Committee has 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; 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; and 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 compulsory labour.

The Committee had requested the Government to review these provisions in the light of the Convention and to report on the measures taken or contemplated in this connection to ensure the observance of the Convention.

The Committee notes that the Government has not supplied a report for the period 1983-85. The Committee has, however, taken note of the information supplied by the Government on the occasion of the Conference in 1984, in which the Government refers to Article 2, paragraph 2(c), of Convention No. 29, which excludes from the scope of that Convention under certain conditions, any work or service exacted from any person as a consequence of a conviction in a court of law. According to the Government, in the absence of a definition of forced labour in Convention No. 105, reliance has to be placed on Convention No. 29, so that Article 1 of Convention No. 105 read together with Article 2(2)(c) of Convention No. 29 would exclude from its purview, work or service carried out as a consequence of conviction in a court of law and under the supervision and control of a public authority.

The Committee draws attention to the explanations provided in paragraphs 102 to 109 of its 1979 General Survey on the Abolition of Forced Labour, where it recalled that the exceptions to Convention No.

29, and specifically the exclusion of prison labour, do not automatically apply to Convention No. 105 which was designed to supplement the earlier Convention. While Convention No. 105 is not concerned with prison labour exacted from common offenders, compulsory labour in any form, including compulsory prison labour, falls within the scope of the Convention in so far as it is exacted in one of the five cases specified in Article 1, i.e., inter alia, where a person has been sentenced to imprisonment involving compulsory labour as a means of political coercion or for holding or expressing views ideologically opposed to the established political, social or economic system; or where a person has been thus sentenced as a means of labour discipline or as a punishment for having participated in strikes.

Noting also the Government's statement that provisions of the laws referred to are used rather sparingly, the Committee hopes that the necessary measures will be taken to bring them into conformity with the Convention, and that pending such action the Government will supply information on the action taken or contemplated.

Panama (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:

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 last 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.

Tunisia (ratification: 1959)

Article 1 (d) of the Convention. The Committee has pointed out that under the Labour Code, participation in a strike is illegal and

can be punished by imprisonment involving compulsory labour when it has not been approved by the Central Workers Organisation (sections 376 bis, subsection 2, 387 and 388) and when the Government imposes arbitration, considering that a strike might endanger the national interest (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 of such a nature as to jeopardise a vital interest of the nation (section 389 and 390).

The Committee notes with interest from the report of the Government that the National Committee for the Codification of Labour Legislation will be convened for the second reading of the draft revision of the Labour Code and that the observations of the Committee of Experts concerning collective disputes (approval of the strike by the Central Workers Organisation and replacement of expression "vital interest of the nation" by a reference to essential services whose interruption would endanger the life, personal safety or health of the population) will be examined by the National Committee.

The Committee requests the Government to supply full information on any progress made in bringing the labour legislation into conformity with the provisions of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Argentina, Australia, Bahamas, Barbados, Burundi, Cameroon, Central African Republic, Costa Rica, Cyprus, Democratic Yemen, Djibouti, Dominica, El Salvador, Fiji, Gabon, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Iraq, Israel, Italy, Jamaica, Jordan, Kuwait, Liberia, Malaysia, Mauritius, New Zealand, Pakistan, Papua New Guinea, Portugal, Rwanda, Saint Lucia, Seychelles, Sierra Leone, Somalia, Spain, Trinidad and Tobago, United Kingdom.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Bolivia (ratification: 1973)

Article 8, paragraph 3, of the Convention. The Committee has noted in the comments that it has been making for some years that section 31 of Decree No. 244 of 1943 (permitting the employer to grant a worker, in the event of work on the weekly rest day, either compensatory rest or compensatory remuneration) and section 23 of the Presidential Decree of 3 April 1954 (under which wages are tripled for workers working on public holidays) are not in conformity with the provision of the Convention, which provides, in the event of work on the weekly rest day, for compensatory rest irrespective of any compensatory payment. The Committee hopes that the Government will be able to indicate in its next report the measures taken in order to bring the national legislation into conformity with this provision of the Convention.

* * *

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

Convention No. 107: Indigenous and Tribal Populations, 1957

Bangladesh (ratification: 1972)

Further to its previous observation, the Committee notes the discussion which took place on the application of this Convention in the Conference Committee in 1985, followed by a visit by a representative of the Director-General in November 1985, and the report which was received, following the mission, on the application of the Convention. The Committee regrets that only very limited discussions with the responsible government agencies were arranged for the Director-General's representative. It notes that the report which has been received has for the first time provided the Committee with information on questions which it has raised previously, and hopes that the Government will continue to provide such information in its future reports.

The Committee regrets that very little information has so far been received on the situation of the tribal populations outside the Chittagong Hill Tracts, and hopes that additional information on these groups will be provided in the next report.

As information has not yet been made available on a number of questions, and taking into account the persistent reports of conflicts in the Chittagong Hill Tracts, the Committee hopes that the Government will be able to take steps which will help to clarify the situation of the tribal populations in the Hill Tracts, and more generally to apply the present Convention. It considers that the following steps would be useful in this respect.

1. The establishment of an inter-ministerial committee to evaluate the Government's policy towards the tribal populations, taking into account Bangladesh's obligations under the present Convention, in particular its Articles 2 and 27.

2. Measures to determine the present population distribution of the Chittagong Hill Tracts, with reference to how many tribals and non-tribals are now living there, and also an analysis of what immigration by non-tribals has taken place there in recent years (Article 1 of the Convention).

3. In connection with the above, measures to analyse the distribution of land ownership in the Hill Tracts; specifically, whether the implied policy in the Chittagong Hill Tracts Regulations 1900 of restricting ownership principally to the tribals has been followed, and what the policy should be for the future (Articles 11 to 14 of the Convention).

4. Measures to determine whether the development activities in the Hill Tracts, and particularly those being carried out by the Chittagong Hill Tracts Development Board, are taking sufficient account of the specific characteristics of the tribal populations of the Hill Tracts. It would be desirable to enlist independent anthropological advice in doing so (Articles 2 to 6 of the Convention).

5. An investigation into the allegations of massacres and other abuses practised against the tribal populations in the Chittagong Hill Tracts, to which the Committee referred in its previous observation and which were discussed in the Conference Committee in 1985. The Committee notes in this connection that the Government has stated already that no such events have taken place, but notes also that allegations in this sense continue to be raised in United Nations bodies and to be received by the Office.

6. Clarification of the situation as concerns tribal refugees who are alleged to be in refugee camps.

The Committee hopes that the Government will take the appropriate measures, and that it will furnish detailed information on all the matters mentioned above, some of which are being dealt with more fully in the request being addressed directly to the Government.

[The Government is asked to supply full particulars to the Conference at its 72nd Session.]

Brazil (ratification: 1965)

The Committee refers to its previous observation, noting the receipt of comments from the International Confederation of Free Trade Unions (ICFTU) concerning the situation of the Yanomami Indians in particular. It recalls that the ICFTU comments stated that the Brazilian authorities had not taken effective steps to establish and protect a Yanomami reserve, and that there was a serious threat to the existence of these Indians because of continuous encroachments into their territories by mining concerns and others. The Government indicated at that time that lands had been identified for inclusion in a Yanomami Park, and that proposals had been submitted to an Interministerial Working Group for the formal creation of the Park.

The Committee refers in this connection to Resolution No. 12/85 of the Inter-American Commission on Human Rights adopted on 5 March 1985, concerning similar allegations contained in a complaint against Brazil before that body (Case No. 7615). It notes that the Commission concluded that the Government's failure to take timely and effective measures had resulted in violations of the rights of the Yanomami, and recommended that action be taken to establish the Park as had been proposed to the Working Group to which reference is made above.

It appears from the information available to the Committee that the Yanomami Park has not yet been established. It urges the Government to take the necessary measures in the very near future.

The ICFTU comments also referred to illegal invasions of Indian lands by prospectors and settlers, and the Government indicated in its observations on these comments that it had intervened to stop such invasions, with the assistance of federal forces where necessary. The Committee notes that it has received further indications that such invasions have been taking place on a large scale in recent months in the Rio Negro area, and that the Government has not always been able to put an end to them in spite of efforts to do so. It hopes that the Government will provide detailed information on such incidents, and that it will be able to take effective action for the protection of the Indians in these areas.

India (ratification: 1958)

The Committee notes that comments on the application of the Convention were contained in a letter received 23 October 1985, from the International Federation of Plantation, Agricultural and Allied Workers (IFPAAW). These comments were communicated to the Government on 4 November 1985 for any observations it might wish to make, and a reply was received on 10 March 1986.

The letter from IFPAAW communicated information obtained from the non-governmental organisation Survival International for the Rights of Threatened Tribal Peoples. This information includes copies of correspondence between Survival International and the World Bank on this question. A copy of IFPAAW's comments and the attached material was also sent by the Office to the World Bank, which has provided copies of its further correspondence with Survival International, to which the Government has also referred in its reply; the Bank has also provided copies of the Loan Agreement and the Development Credit Agreement with the Government of India in respect of the Sardar Sarovar Dam and Power Project, as well as copies of the Project Agreements with the three States concerned, Gujarat, Madhya Pradesh and Maharashtra.

The comments made by IFPAAW state that this project, which is being carried out with financing from the International Development Association and the World Bank, is the first stage of a much larger project. It is alleged that the Project will displace some 60,000 tribal people from their traditional lands in conditions which are inconsistent with the present Convention, and in particular with its Articles 6, 11 and 12, paragraph 2. It states that the resettlement programme:

1. Does not recognise the rights of the tribal inhabitants to the collective ownership of their traditional lands. Indeed the Agreement only recognises as "landed" those individual tribals who have managed to secure title to certain of their cultivated plots.

2. Considers all other tribals, regardless of whether they are cultivating plots or not and regardless of their traditional forms of land use and ownership, as "landless".

3. Makes no provision for compensating the tribals for the loss of the uncultivated parts of their traditional lands, which they use for hunting and fishing and for collecting minor forest produce and firewood.

4. Makes inadequate provisions for compensating the tribals with lands that are equal in quality to the traditional areas they will lose. Inadequate provisions exist in the Agreement for resettling the tribals in forested zones, such as those which presently cover some 32 per cent of their area.

5. Whereas compensatory landholdings are to be allotted to "landed" tribals only, no guarantees are made for providing the so-called "landless" tribals with land.

6. Contrary to the terms of Article 6 of ILO Convention No. 107 the minimal objective of the resettlement programme is only to retain the standards of living of those displaced. There is no evidence that the development of the tribal peoples themselves is to be given a "high priority" in the overall scheme.

The World Bank, in its letter to the Office dated 23 December 1985, has stated that "the Bank's policy and arrangements on this project are in no way inconsistent with, nor do they fall short of, the provisions of" Convention No. 107, drawing attention to an explanatory letter to Survival International, a copy of which was provided. The Committee notes that the World Bank has adopted a policy in respect of such issues, contained in a document entitled "Tribal Peoples and Economic Development: Human Ecologic Considerations" (World Bank, 1982), a copy of which is available to the Committee. It notes further that obligations undertaken in the context of the Convention's ratification fall on the Government of India, and not on the World Bank. The Committee expresses its appreciation to the World Bank for furnishing information in this respect.

The Government has stated in its reply that the Government of India and the State Governments concerned are fully aware of and committed to the present Convention, and that while implementing the resettlement and rehabilitation programme, the Government and the Project Authorities will ensure that the Convention is not violated. It states that in planning the resettlement and rehabilitation programme, advisory committees were formed at several levels, in which non-official representatives of the affected people were included to articulate their interests. In addition, independent institutions have been appointed to monitor and evaluate the conditions of the "oustees" after resettlement for a minimum period of ten years. The Agreements with the World Bank stand on their own and lay down a minimum that is required to be done for effective resettlement and rehabilitation, and this does not in any way prevent the Project Authorities from implementing a programme which is superior to the one envisaged in the Agreements with the World Bank.

While noting that Survival International indicates in the supporting documentation which it has provided, that the much larger hydroelectric and irrigation scheme of which the Sardar Sarovar Dam and Power Project is the first stage, will not ultimately be of benefit to economic development (see below, extract from Article 12(1) of the Convention), the Committee does not consider that it is competent to examine such issues. Nor will it examine in detail at this stage the question of whether the present arrangements meet the requirements of Article 6 of the Convention, calling for high priority to be given to the "improvement of the conditions of life and work and level of education of the populations concerned ... in plans for the overall economic development of areas inhabited by these populations". (It does note in this connection that the Government has communicated information indicating that it plans a co-ordinated development programme for those persons, including tribals, who are being displaced.) The issues which do appear to call for examination at this stage relate to the resettlement and rehabilitation of the tribal peoples who are being or are going to be displaced, with reference to the following Articles of the Convention.

Articles 11, 12(1) and 12(2) of the Convention. The question involved is whether the arrangements adopted for the resettlement and rehabilitation of some 60,000 tribals are adequate to ensure conformity with these provisions of the Convention.

The displacement of the tribal populations concerned from their traditional lands, whether or not they possess title, is covered by Articles 11 and 12(1) of the Convention, which provide respectively that "The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised" (Article 11) and that "The populations concerned shall not be removed without free consent from their habitual territories except in accordance with national laws and regulations ... in the interest of national economic development ..." (Article 12(1), extract). No information is available to the Committee on the national laws and regulations which authorise the Government to undertake the present removals, and the Committee hopes to receive detailed information on this point in the Government's next report. The Government has referred in its reply to guide-lines laid down by the Narmada Water Disputes Tribunal for the compensation package and infrastructural facilities to be provided in the rehabilitation zones. The Committee would be grateful if the Government would also communicate a copy of these guide-lines. It notes, however, that these guide-lines appear to refer to what happens following displacement.

The Committee refers to points 1 and 2 of the IFPAAW letter, quoted above. A distinction is made in Appendix 3 of the Development Credit Agreement, which provides the basic guide-lines for the resettlement and rehabilitation of the "oustees" (i.e., those being displaced from their present locations), between "landed" and "landless" oustees. The Government also refers to this distinction. According to the Government's reply, there is no provision in the national legislation or that of the States for collective ownership by tribals of the lands they occupy except for tribal groups in Nagaland (not affected by the present project); but a certain number of the tribals have acquired individual title to some or all of the lands they cultivate. These are the "landed" oustees. According to the Development Credit Agreement (section 3 of Schedule 3), "Each landed oustee shall be entitled to and allotted irrigable land in the State in which he chooses to resettle, of equal size to that which he owned prior to his resettlement, subject to the applicable land ceiling laws, acceptable to him", with a minimum entitlement of at least 2 hectares.

With regard to point 1 of the IFPAAW letter, the Committee notes that section 1 of Schedule 1 of the Development Credit Agreement provides that one of the main objectives of the Plan for Resettlement and Rehabilitation of the Outees shall be that the oustees "be relocated as village units, village sections or families in accordance with the Oustee's preference", which goes some way toward providing for the possibility of maintenance of community life. It hopes that the Government will provide detailed information on how it intends to implement the above-mentioned objectives, taking into account Article 11 of the Convention.

As regards "landless" tribals, the Committee notes the statement in the IFPAAW comments that the majority of the tribals do not hold legal title to the lands they occupy. These tribals live principally from cultivation of plots on State-owned land, or from utilising forest products obtained from State-owned lands, or a combination of

the two. Section 4 of Schedule 3 to the Development Credit Agreement provides: "Each landless Oustee shall be rehabilitated in the agricultural or non-agricultural sectors, as the case may be, and shall be entitled to stable means of livelihood in accordance with the objectives set forth in paragraph 1 of this Schedule." There is no provision in the Agreements for land to be provided to them. In its letter of 19 December 1985 to Survival International, which was also communicated by it to the ILO, the World Bank states in this connection that "With regard to lands occupied by people without legal title, the Agreements specifically provide that in order to increase or at least retain the standard of livelihood, landless oustees will be rehabilitated in the agricultural or non-agricultural sector in ways which ensure that the landless, most of whom are tribal peoples normally reluctant to adopt fixed abodes and agricultural activities as livelihood, have their standards of living protected at a minimum."

The Government has stated in its reply that the State Governments are providing rehabilitation for the landless by the provision of other means of assured livelihood, "though not necessarily by ownership of land in the new plots". The emphasis is more on proper rehabilitation rather than on the provision of land. The Government states that a Training Institute has been opened at the project site specifically to improve the skills of landless oustees, and that they are being given preference in employment in connection with the project itself and with other development programmes.

The Committee notes that the tribal peoples who are considered landless are occupying lands in the sense of Article 12(2), and thus should be entitled to "lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees" (see points 3, 4 and 5 of the IFPAAW comments). The Committee notes that this provision does not refer to lands owned by dispossessed tribal peoples, but to "the lands previously occupied by them" (emphasis added). The Committee notes that the Agreement, and the other arrangements referred to by the Government, do appear to provide the kind of alternative employment and other compensation provided for in the final sentence of Article 12(2). However, this sentence must be read in connection with the previous sentence. There is no indication in the Agreement or in the Government's reply that the landless tribals were offered any possibility of alternative lands. The Committee therefore considers that the arrangements made do not ensure prima facie that the requirements of Article 12(2) of the Convention are met as regards "landless" tribals who were in actual occupation of land, though without legal title.

The Committee notes, however, an Order of 4 February 1986 by the Supreme Court of India (Writ Petition (C) No. 7715 of 1985) concerning some of the "landless" tribals affected by the construction of this project. This Order recognises the human problems arising out of displacement of a large number of tribals and other persons. It appoints two persons to supervise the application of the Order, which requires that the persons being dispossessed "shall be provided either

alternative land of equal quality but not exceeding three acres in area and if that is not possible, then alternative employment where he would be assured a minimum wage." The Committee notes that this Order gives preference to furnishing alternative land, and hopes that the Government will provide detailed information on its implementation in practice and on whether its application is extended to other "oustees".

The Committee notes also that, according to the information available to it, some of the tribals who do have title to some lands also make use of lands to which they do not have title, in pursuit of their traditional lifestyles. The IFPAAW comments also raise questions as to the compensation these persons will receive for lands which they actually occupy, in the sense of the Convention, without ownership (point 3). The Government has stated that compensation for the loss of the use of these lands is being provided by ensuring alternative employment opportunities in the new locations, as well as by the possibility of collecting minor forest products and firewood in "compensatory afforestation areas". The Committee refers, in this connection, to its comments above concerning Article 12(2).

The Committee recognises that the questions raised in the IFPAAW comments are complex ones without simple solutions. It notes further that the IFPAAW comments state that the project referred to is the first stage of a project which will eventually displace about 1 million of the 40 million tribal people in the country, and that "For this reason it is very important that this first project is handled properly as it may well serve as a model for future developments." It notes in this connection that the Project Agreement with each of the States concerned includes a provision that "(the State) shall adopt and, thereafter, implement within its State boundaries, a resettlement and rehabilitation plan for the Outees, satisfactory to the (IDA and the World Bank), which plan shall include the principles and objectives set forth or referred to in Schedule 3 to the Development Credit Agreement ... and the institutional arrangements provided for in the Schedule to this Agreement." The Schedule referred to in each case provides for the establishment or continuation of a State body "responsible for planning, co-ordinating and implementing the resettlement and rehabilitation of the Outees" in accordance with the Development Credit Agreement; and for reporting on a semi-annual and annual basis to the IDA and the World Bank on the implementation of these schemes. The Government has also indicated that bodies have been created to monitor the implementation of the programme. As the texts of the Agreements are not in themselves meant to provide guarantees of the application of the Convention, and the information provided in the Government's reply does not indicate that the arrangements presently in place are sufficient, the Committee hopes that the Government will review the programme in order to meet the requirements of the Convention in the implementation of this and future projects.

The Committee therefore requests the Government to provide further detailed information on the arrangements which are being made in the context of the agreements signed with the IDA and the World Bank, as well as any other information relevant to the relocation of the tribal peoples concerned, which would illustrate how the Government intends to ensure that the Convention is fully applied.

Peru (ratification: 1960)

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

The Committee notes 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.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Brazil, El Salvador, Paraguay, Peru.

Convention No. 108: Seafarers' Identity Documents, 1958Honduras (ratification: 1960)

Article 4, paragraph 2, of the Convention. With reference to its earlier comments, the Committee takes note of the copy of the identity document for crew members of merchant vessels transmitted by the Government with its report. The Committee regrets to note that this new identity document still does not contain the statement that it is a seafarer's identity document for the purpose of ILO Convention No. 108, which should have been included, as provided for by Decree No. 462 of 1977.

The Committee trusts that the Government will take the necessary measures to have the above statement stamped in all copies of the identity document currently being used and that it will be stamped in the copies to be issued subsequently.

[The Government is asked to report in detail for the period ending 30 June 1987.]

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Cameroon, Cuba, Djibouti, Guinea-Bissau, Liberia, Panama, Portugal, Romania.

Convention No. 110: Plantations, 1958

Requests regarding certain points are being addressed directly to the following States: Philippines, Uruguay.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Messrs. A. Gubinski and S. Ivanov refer to their comments on Convention No. 87 concerning the German Democratic Republic.

Burkina Faso (ratification: 1962)

The Committee notes that an application form to re-enter the public service of Burkina Faso, which is required for the reinstatement of teachers who have been dismissed for having taken part in a strike, includes items relating to the political opinions of the persons concerned.

The Committee asks the Government to indicate the measures taken or under consideration, in accordance with the provisions of Article 3(c) of the Convention, to end this administrative practice, which is incompatible with a policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any distinction, exclusion or preference made on the basis of political opinion that has the effect of nullifying or impairing this equality.

Canada (ratification: 1964)

1. The Committee notes with interest the entry into force of section 15 of the Canadian Charter of Rights and Freedoms in the Constitution Act 1982, under which all are equal before the law and all have the right to the equal protection and equal benefit of the law, without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. It notes that under section 32, the Charter applies both at the federal level and at the provincial level and that under section 33 the federal Parliament or the legislature of a province may expressly declare, for two periods not exceeding a total of ten years, in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding, in particular, a provision included in section 15 of the Charter. The Committee also notes the statement by the Government to the effect that with the coming into force of section 15 all legislation resulting in discriminatory treatment on one of the listed grounds may be challenged.

The Committee hopes that the Government will continue to furnish information on the measures taken both at the federal level and at the provincial level under the above-mentioned section 15 and also all exceptions to section 15 made by the federal Parliament or by the provincial legislators in pursuance of section 33 of the Charter.

2. In an earlier comment, the Committee noted the observations of the Canadian Labour Congress (CLC) to the effect that the Government of British Columbia, by replacing the Human Rights Code 1979 with the Human Rights Act (Bill No. 27 of 1983), significantly reduced protection against discrimination in respect of the kinds of action that could be considered violations of human rights, the

possibilities of access to an adjudication procedure and the burden of proof.

The Government states that the British Columbia Human Rights Act was fully proclaimed on 14 September 1984. The Government adds that, although the new Act may not have raised the level of protection, it has not lowered it. The Government further states in its report that the Act removes the general wording in the previous Human Rights Code which provided that no employer could discriminate in respect of employment unless reasonable cause existed and adds mental and physical disability to the list of prohibited grounds of discrimination. As to the allegations of the Canadian Labour Congress that the new Act makes access to an adjudication procedure more difficult, the Government states that on the contrary the new Act, makes this much easier by permitting section 14, in the Human Rights Council to hear and adjudicate complaints on its own motion. Lastly, the Government observes that the burden of proof has always been on the complainant.

The Committee takes due note of this information. It observes that, by virtue of section 8 subsection (1) of the Human Rights Code 1979, no employer or employment agency could discriminate, on any grounds whatsoever, against a person in respect of employment or a condition of employment, unless reasonable cause existed for such discrimination. The Committee understands that it was for the employer facing an allegation of discrimination to bring the proof that the discrimination was based on a reasonable cause, of which an indicative list including certain grounds was given in section 8(2). Under section 8(1) of the Human Rights Act 1984 no person may discriminate in respect of employment or conditions of employment on any of the grounds listed restrictively, which do not include social origin, a reason mentioned in Article 1, paragraph 1(a), of the Convention. The Committee observes that the 1984 Act, by eliminating the necessity of proving the existence of reasonable cause, places on the person alleging discrimination, and on this person alone, the burden of proving that it is based on one of the grounds listed in section 8(1)(b) of the Act. The Committee also notes that by virtue of section 13(1)(b) of the Human Rights Act 1984 the Council of Human Rights may decide not to proceed with the investigation of a complaint where it appears to the Council that the complaint could be more appropriately dealt with under another Act.

The Committee points out that the definition given in Article 1, paragraph 1, of the Convention, which includes any distinction, exclusion or preference that has the effect of nullifying or impairing equality of opportunity or treatment, takes as its criterion the objective consequences of these measures. It considers that a careful study should be made of the effects that these changes in the system of protection may have in practice in respect of equality of opportunity and treatment. The Committee therefore asks the Government to furnish detailed information on the practical application of the British Columbia Human Rights Act 1984, enclosing in particular copies of complaints brought before the Council of Human Rights and indicating the motives adduced to justify the application of section 13 (1)(b) of the above-mentioned Act. It also asks the Government to furnish information on the measures taken or under

consideration to ensure the elimination of every form of discrimination on the basis of social origin.

3. In an earlier comment, the Committee noted the observations of the CLC to the effect that the Public Sector Restraint Act (Bill No. 3 of 1983), as amended, gave the Government of British Columbia very wide powers to terminate the employment of public-sector employees and that, although provision was made for judicial review, the circumstances justifying the termination of the employment relation under section 2(1) of the Act (which include a decision by a public-sector employer 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 asked the Government to state whether public-sector employers under the Public Sector Restraint Act 1983 are deemed to be employers under the Human Rights Act 1984.

The Committee notes that this Bill was adopted definitively on 26 October 1983. The Committee further notes from the report of the Government that protection against discrimination is provided both by the Human Rights Act 1984 and by the procedure laid down in the Public Sector Restraint Act 1983. The Committee, referring to the above comments relating to section 13(1)(b) of the Human Rights Act 1984, points out that by virtue of this provision the Council of Human Rights may decide not to proceed with the investigation of a complaint when it appears to the Council that the complaint could be more appropriately dealt with under another Act. The Committee understands that this provision could be used in the circumstances referred to in section 2 of the Public Sector Restraint Act 1983.

The Committee requests the Government to provide detailed information on appeals alleging discrimination in a decision to terminate an employment relation in the public sector that are filed in accordance with the procedure laid down by the Public Sector Restraint Act of 1983 or filed with the Council of Human Rights in accordance with the procedure laid down by the Human Rights Act of 1984 and on the outcome of the procedure. It asks the Government in particular to provide information on any case in which section 13(1)(b) of the Human Rights Act 1984 is applied.

Chile (ratification: 1971)

The Committee notes the information supplied by the Government in response to its previous observation and the statement made by a Government representative before the Conference Committee in 1985.

1. Article 8 of the Constitution. In earlier observations, the Committee referred to article 8 of the Constitution of Chile adopted in 1980, under which any act of any person or group intended to propagate certain doctrines, including those advocating a conception of society the state or law "of totalitarian character or based on class war", is illegal and contrary to the institutional order of the Republic. Furthermore, under this article, organisations and political movements or parties that, by their aims or by the activities of their followers tend towards such objectives are deemed unconstitutional. According to the same article, persons

who have committed the above-mentioned offences shall be barred for 10 years from access to any public post or position, shall automatically lose any such employment or office they may hold, and may not during the same period be rectors or principals of educational establishments, teachers or trade-union leaders, nor may they exercise any function in the mass media relating to the publication or dissemination of opinions or information.

The Committee notes the text of the judgement of the Constitutional Court issued on 31 January 1985 upon the request of a group of individuals, a copy of which has been supplied by the Government. This judgement has declared unconstitutional the following organisations: Popular Democratic Movement (MDP), Communist Party of Chile, Movement of the Revolutionary Left (MER) and Socialist Party of Chile (faction headed by Clodomiro Almeyda).

The Committee also notes the statement by the Government in its last report that the judgement declaring these movements and organisations unconstitutional in fact only has a bearing on the organisations concerned and does not involve a sanction for its members.

With regard to article 8 taken as a whole, i.e. including the third paragraph which provides for sanctions against individuals, the Committee recalls that the Convention affords protection against discrimination in employment and occupation based, inter alia, on political opinion. The protection of the Convention is not limited to activities expressing or demonstrating differences of opinion within the framework of established principles. Therefore, even if certain doctrines are aimed at fundamental changes in the institutions of the State, this does not constitute a reason for considering their propagation beyond their protection of the Convention, in the absence of the use or advocacy of violent methods to bring about that result.

The Committee has asked the Government on several occasions to ensure that the national legislation is brought into conformity with the Convention on this point. In this connection the Committee regrets the statement by the Government that an amendment of article 8 of the Constitution in conformity with the request by the Committee of Experts is not only highly improbable, but even quite impossible since this provision was adopted by the people of Chile in the exercise of its sovereignty.

The Committee expresses its deep concern over a statement which questions the principle of compliance with international obligations. With regard to the sovereign competence of the State in matters of legislation, the Committee draws the Government's attention to Article 3(c) of the Convention under which every member for which the Convention is in force undertakes to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the principles of equality laid down in the Convention.

The Committee accordingly again requests the Government to indicate all measures taken or contemplated to amend article 8 of the Constitution with a view to ensuring observance of the policy of non-discrimination called for by the Convention.

2. Legislation on employment in the public service. In earlier observations, the Committee referred to Legislative Decree No.

2345 of 17 October 1978, under which the Government may terminate the employment of any person working in the administration of the State, in state undertakings or in municipal bodies, irrespective of any other requirement or legal provision in force, and to Legislative 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 notes that the Bill for the organic constitutional Act to define the basic organisation of the public administration and to repeal the above-mentioned Legislative Decrees is following its course before the legislative authority. The Committee hopes that this Bill will be adopted in the near future.

3. The Committee addresses directly to the Government a request concerning other aspects of the application of the Convention.

Colombia (ratification: 1969)

The Committee notes the detailed information supplied by the Government in its report and to the Conference Committee in 1985.

In earlier comments, the Committee referred to the observation by the General Confederation of Labour alleging that the majority of public servants were not protected in their administrative career and that they could at any moment lose their employment through the administrative procedure which permits the abolition of posts without valid reasons. According to the CGT, the posts in the administration are allocated on the basis of quotas reserved by the political leaders.

The Committee notes the information supplied by the Government according to which the parity of the liberal and conservative parties provided for in article 120 of the National Constitution operates with respect to offices at the highest levels of the administration (ministers, chiefs of administrative departments, superintendents, managers or chairmen of decentralised bodies) through their equitable distribution by the President of the Republic. According to the Government there are no substitutions of personnel on account of the parity at the lower and operative grades.

The Committee notes Decree No. 583 of 1984 made under section 42, paragraph 1 of Decree No. 2400 of 1968 on the administrative career, a copy of which was supplied by the Government. Under this Decree all public servants holding career posts can register in order to come under the career and obtain their grading.

With reference to offices which do not come under the career (offices of free appointment and dismissal), enumerated in section 18 of Decree No. 1950 of 1973, the Government had specified in earlier reports that these can be terminated in accordance with the power held by the Government freely to appoint and dismiss employees of this category (section 107 of Decree No. 1950).

The Committee notes that Decree No. 1950 is to regulate the application of Decree No. 2400 whose relevant provisions are sections 3 and 26. The Committee notes that section 3 of Decree No. 2400 and section 18 of Decree No. 1950, concerning the offices of free appointment and dismissal, include staff members of the secretariats of certain administrative authorities which perform auxiliary functions, part-time employees and those coming inter alia under the

staff regulations of public establishments. In the view of the Committee the provisions mentioned appear to allow a wide discretion to the authorities to decide on the dismissal of a rather wide range of workers. The Committee has learned that sections 3(b), (c), (d), (f) and 26 of Decree No. 2400 have been questioned before the Supreme Court of Justice. The Committee requests the Government to supply a copy of the judgement made by the Court on this occasion.

The Committee requests the Government to supply detailed information as to which authorities exercise the power of free appointment and dismissal and concerning the number of employees in offices of this nature. The Committee asks the Government to re-examine in the light of the Convention, sections 3 and 26 of Decree No. 2400, and 18 and 107 of Decree No. 1950, and to take the necessary measures to ensure the observance of the Convention on this point.

German Democratic Republic (ratification: 1975)

1. In its previous comments, the Committee referred to the provisions of a number of legislative texts concerning access to, and success in, advanced education and training, which might in practice lead to discrimination on the basis of political allegiance. The Committee had referred, in this connection, to Orders of 1 July 1971, 15 April 1972 and 1 July 1973, concerning access to universities and colleges, engineering and vocational schools and correspondence and evening courses, to the Youth Act of 28 January 1974, the Directive of 8 February 1973 on special studies for leading functions in vocational training, and the Examination Order approved by Directive of 3 January 1975.

The Committee notes the Government's reference in its report to constitutional guarantees providing that all citizens enjoy the same right to education, that educational institutions are open to everyone, and that the uniform socialist education system guarantees every citizen a continuous socialist education and higher education, without any discrimination on the basis of political opinion. The Government further states that all legal provisions regulating the fundamental right to education are in conformity with this constitutional principle.

In particular, the Government indicates that the Youth Act does not impose any mandatory legal obligation on young people to participate in social and political life, the violation of which would be subject to sanctions, but provides for honorary obligations which correspond to the numerous rights which the Act guarantees to young citizens. Under the Directive of 8 February 1973 on special studies for leading functions in vocational training, political qualifications are not required as a condition for admission to studies, but are the purpose of these studies; persons assuming leading functions in vocational training need to acquire political knowledge as an important job requirement for educating young people. The Government refers to section 42 of the Examination Order, under which evaluations of the personalities of students are to be established by the directors of the institutions and transmitted for consultation to the Free German Youth Organisation, whose proposals must be taken into

account, and whose secretaries may co-sign the evaluations. The Government indicates that these rights of the Free German Youth Organisation ensure a democratic evaluation of students with the participation of their representatives and cannot lead to an occupational or personal discrimination of students on account of their outlook on life, religious denomination or social origin, since these questions are not the subject of evaluation. Moreover, every student has a right of appeal against his evaluation, and the Free German Youth Organisation is not the youth organisation of one party, but open to all youth of the GDR. The Government further points out that every student is given a work contract a year before his graduation, that is, before the final evaluation, thus forestalling any possible discrimination.

The Committee takes note of these indications. It notes that under section 42 of the directive of 3 January 1975 on the holding of examinations at university level institutions and specialist schools (Examination Order), a written evaluation of the student's personality is to be made at the end of his first study year and to be supplemented at the end of his studies, that this evaluation is to cover not only the level of his knowledge and aptitude but also his general attitudes, the development of his mind and his character, and that both this evaluation and the final decision on any appeal lodged against it under section 43 are to be made in consultation with the Free German Youth Organisation. The Committee also notes from the statutes of that organisation adopted in 1976 that the programme and the decisions of the Socialist Unity Party are the basis for its entire activity and that it is the duty of each member of the Free German Youth Organisation to help with the implementation of the programme of that party and its decisions.

The Committee further notes that a number of other provisions also appear relevant in this connection. Section 3 of the Order of 29 December 1978 concerning research studies includes, among the conditions for admission to these studies, high political consciousness and "responsible partisan conduct". Under section 2(2) of the Order of 5 December 1981 concerning admission to the polytechnic secondary school, requirements for admission include "political - moral and characterial maturity" and proof of the candidates' attachment to the GDR through their attitude and their social activities. Under section 3(5) of the same Order, the admission and confirmation respectively has to be effected taking into account the social structure of the population; eminent achievements of parents in building socialism have to be taken into account in arriving at a decision.

It appears to the Committee that a number of the criteria included in the conditions for access to, and for success in advanced education and training (in so far as involving reference to political outlook, partisan conduct, or the achievement of parents in building socialism) as well as the role assigned in evaluating fulfilment of these criteria to an organisation responsible for implementing the objectives of a political party, are not consistent with a policy designed to eliminate any discrimination on the basis of political opinion or social origin. The Committee requests the Government to indicate the measures taken or envisaged with regard to these various

provisions to ensure equality of opportunity and treatment under the Convention.

2. The Committee also notes that under section 4(2) of the Driving School Regulations, a driving instructor's licence is to be granted only to an applicant who has the political, pedagogical and professional qualifications for comprehensive education of the driving students. The Committee requests the Government to provide explanations regarding the relevance of the political qualifications in question to the inherent requirements of the job of driving instructor and the measures taken to ensure the observance of the Convention in this regard.

3. The Committee notes the resolution of 7 June 1977 of the secretariat of the Central Committee of the Socialist Unity Party concerning work with cadres. Apart from moral and job-related qualifications, the resolution calls for political qualifications of cadres such as "unconditional faithfulness to the working class and its Party and to Marxism-Leninism, uncompromising fight against all manifestations of bourgeois ideology, and partisanship". The resolution provides for the creation of a cadre reserve for "Nomenclature functions". Under section 14 of the Act of 16 October 1972, concerning the Council of Ministers, members of the Council of Ministers and heads of central state institutions are to put into effect the resolutions of the Party and of the Council. By virtue of section 2(3) of the Order of 19 February 1969 concerning the duties, rights and responsibilities of the collaborators of state bodies, these are to implement the decisions of the Party in their fields of responsibility.

These principles have been reflected in a number of provisions of which the Committee has noted the following examples:

- under section 13(1) of the Act of 1 March 1981, concerning collegial bodies of lawyers, the Minister of Justice guides and supervises their activities and promotes these bodies, their consolidation and development by especially influencing the enforcement of socialist cadre-principles in the collegial bodies and giving permanent attention to further political and professional education of the members;
- section 7 of the Regulations of 12 January 1984 on the work, direction and organisation of the pharmaceutical sector provides that the supply of pharmaceutical products calls for high political and professional qualification of the heads and collaborators in the pharmaceutical field, and indicates, among others, that it is especially important to enforce the principle of socialist cadre politics;
- the statutes of the Academy of Sciences of the GDR adopted by decision of the Council of Ministers on 28 June 1984 provide that the Academy shapes its activity, inter alia, on the basis of the decisions of the Socialist Unity Party and of the Council of Ministers, on laws and other legal provisions; the Academy realises the constitutional mandate to promote science, research and education. Under section 4, the Academy realises the principles of socialist cadre politics in the selection, development and deployment of its collaborators and takes care of their further professional and political-ideological training.

The Committee refers to the explanations provided in paragraph 42 of its 1963 General Survey on Discrimination in Employment and Occupation, where it indicated that political opinions might be taken into account in connection with the requirements of certain senior administrative posts involving special responsibility in the implementation of government policy, but that, if carried beyond certain limits, such a practice would come into conflict with the provisions of the Convention, which calls for the pursuance of a policy designed to eliminate discrimination on the basis of, inter alia, political opinion, particularly in employment under the direct control of a national authority. It appears that under the national provisions referred to, the range of functions subject to the implementation of a cadre policy involving selection on the basis of political allegiance extends well beyond the circle of "senior administrative posts involving special responsibility in the implementation of government policy". The Committee accordingly requests the Government to indicate the measures taken or envisaged to eliminate from the provisions of national law referred to, as well as from practice, any distinction, exclusion or preference made on the basis of political opinion which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, including access to employment and to particular occupations and terms and conditions of employment.

Ghana (ratification: 1961)

1. The Committee notes the statement by the Government to the effect that the National Labour Advisory Committee, a tripartite body competent to review labour legislation, was reconstituted in July 1985. The Committee hopes that this National Labour Advisory Committee will, as the Government indicates, be able to examine the outstanding comments of the Committee.

2. In its previous comments, the Committee noted that under section 32 of the Civil Service Act, 1960, the President may dismiss any civil servant if he is satisfied that it is in the public interest to do so and that under regulation 60(i) of the Civil Service (Interim) Regulations, 1960, no appeal shall lie against a decision of this sort taken by the President. The Committee again asks the Government to indicate the specific measures taken or under consideration to guarantee a right of appeal to civil servants and to inform it of the channels of appeal available to state employees or wage earners discharged or dismissed for belonging to a political organisation. It also requests the Government to provide the text of the Public Tribunals Law, No. 78 of 1984.

Greece (ratification: 1984)

The Committee notes the communication from the Panhellenic Association of Telephone Operators concerning the application of the Convention. It will examine this question at its next session, taking into account the detailed information that the Government will

be called upon to supply in its first report on the application of the Convention, which is due in October 1986.

Guinea (ratification: 1960)

With reference to its earlier comments concerning the role of the Party in respect of access to employment in the public service, the Committee notes the statement by the Government that, with effect from 3 April 1984, the 1958 Constitution has been repealed, the Democratic Party of Guinea has been dissolved and an official proclamation of respect for the rights of citizens and individual freedom has excluded all discrimination. The Government also states that the conditions of service of the public service now being drafted advocate equality of opportunity in public employment.

The Committee requests the Government to supply a copy of the proclamation of respect for the rights of citizens and individual freedom.

Islamic Republic of Iran (ratification: 1964)

The Committee notes that, for the second time in succession, the report of the Government has not been received. It takes note, however, of the statement made by a government representative to the Conference Committee in 1985. The Committee has also examined the interim report drawn up by the special representative of the Commission on Human Rights of the United Nations appointed to study the situation of human rights in the Islamic Republic of Iran (A/40/874).

In its previous comments, the Committee observed that discrimination in respect of employment and occupation is practised against persons belonging to the "misguided Baha'i group" or freemasonry or to organisations whose constitutions imply atheism and that have been banned. Similar forms of discrimination also apply to access to training.

In 1983 and 1984, government representatives stated that these measures were due to the fact that Baha'ism was a political organisation engaged in spying, then an organisation of spies, and that, although not all Baha'is might be spies, owing to their membership of such an organisation they were excluded from the public sector unless they renounced their membership. In 1985 the government representative made a similar statement.

The Committee points out that, in the texts available to it, a distinction is made in cases of refusal of access, expulsion or dismissal between the persons mentioned above and those who may have committed acts against the security of the State. No reply has been given concerning persons belonging to freemasonry or organisations whose constitutions imply atheism.

The Committee also takes note of the statements made by the Government representative to the Conference Committee in 1984 and 1985 to the effect that international standards that are not, in the opinion of the Islamic Republic of Iran, in conformity with Islamic

principles, which, under the Constitution, are those of the Jafari Ithna Ashari Sect, are null and void. This statement, the government representative specified, was conditional in that, if, following thorough research that it has not yet been possible to undertake, it was found that some of the provisions of the Conventions are not in conformity with the said principles of Islam, then these provisions would not be accepted by the Islamic Republic of Iran.

The Committee recalls that under the Convention the Islamic Republic of Iran undertook, in accordance with article 19 of the Constitution, to take such action as might be necessary to make effective the provisions of the Convention, and again expresses its deep concern over repeated statements which question the principle of observing international obligations and, indeed, explicitly accepted rules of international law.

The Committee trusts that the Government will respect the obligations set forth in Article 3(c) and (d) of the Convention, by repealing any statutory provisions and modifying any administrative instructions or practices inconsistent with the policy of non-discrimination, which the Government is bound to pursue in respect of employment under the direct control of a national authority. It hopes that the Government will provide detailed information on the measures taken with a view to ensuring equality of opportunity and treatment in respect of employment and occupation with a view to eliminating all discrimination made on the basis of, in particular, sex, religion, national extraction or social origin in all fields of activity.

It also hopes that the Government will furnish the texts and information on practices relating to access to means of training that are the subject of a request addressed direct to the Government.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

Netherlands (ratification: 1973)

The Committee takes note with satisfaction of the detailed information provided by the Government:

- The entry into force on 13 February 1983, of the Constitution in its amended form, the first section of which provides for equality of treatment of all persons in the Netherlands in equal circumstances and prohibits discrimination on the grounds of religion, ideology, political conviction, race, sex or any other grounds. It also notes section 3, under which all Netherlands citizens are equally eligible for public office.
- The Act of 6 November 1984 to amend the General Old-age Pensions Act (AOW), the General Act respecting surviving spouses and orphans (AWW) and the Act respecting special medical expenses (AWBZ), under which contributions are fixed without distinction between men and women.

The Committee also notes with interest:

- The Act on reporting foreign boycott measures (BAOD, 1984, 215) imposed on Netherlands companies by foreign groups or

undertakings. This Act should enable the Government to measure the extent and the nature of the constraints imposed and possibly to take measures to prevent any form of discrimination in this field.

- The Decree of the Ministers of Justice and Home Affairs of 9 October 1984 setting up a special board attached to the Bureau for the Prevention of Racial Discrimination, with the task of helping victims of racial discrimination.
- The revision of the Act of 1985 respecting taxes, which eliminates all discrimination on the basis of the marital status of taxpayers.

The Committee requests the Government to continue to provide information on the measures taken to promote the application of the Convention and on other points, which are raised in a request addressed direct to the Government.

Sierra Leone (ratification: 1966)

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

1. The Committee noted from the Government's report for 1982-83 that no national policy has been declared to promote equality of treatment in respect of access to employment and occupation and as regards terms and conditions of employment and that, consequently, it has not been possible to appraise the effect of such a policy. It noted, however, the Government's statement that, in general practice, there is no form of discrimination within the meaning of Article 1 of the Convention in Sierra Leone.

The Committee would refer to paragraphs 25 and 51 of its General Survey of 1971 on discrimination, where it pointed out that the implementation of the Convention does not merely require the absence of laws and administrative measures expressly introducing inequalities but also rests upon the adoption of positive measures in pursuance of a national policy designed to promote equality of opportunity. The Committee hopes that the Government will supply information on the various points to be covered by such a policy which are considered in a more detailed request addressed directly to the Government.

2. The Committee noted that the Constitution of Sierra Leone (Act No. 12 of 1978) which makes provisions for a one-party system of Government, provides in article 5 that every person in the country is entitled to the fundamental rights and freedoms of the individual, whatever his race, tribe, place of origin, colour, creed or sex. Article 17 of the Constitution proscribes the making of laws which are discriminatory of themselves or in their effect; and forbids the discriminatory treatment of any person by anyone acting under law or in the performance of the functions of any public office or authority. Article 17 refers to discrimination on the grounds of race, tribe, place of origin, colour or creed. Having observed that the above provisions do not prohibit discrimination on the basis of political opinion, as

did the corresponding sections in the previous Constitution, and that articles 138(3) and 139(3) of the Constitution reserve certain high public offices to members of the recognised party, the Committee would ask the Government to supply information on any further provisions adopted which would establish a link between political opinion or affiliation and qualifications for employment, and on any measures taken or envisaged in this connection to ensure the observance of the Convention.

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

Sudan (ratification: 1970)

In its earlier comments the Committee noted that the Individual Labour Relations Act of 1981 contains no provision ensuring equality of opportunity and treatment in employment. It takes note of the statement by the Government in its report to the effect that relevant provisions are contained in the Manpower Act of 1974.

The Committee recalls that, in its earlier comments, it has pointed out that the Manpower Act of 1974 contains no express provision on the prevention of discriminatory measures in employment and occupation. While noting the general provisions included in section 56 of the Constitution, the Committee would request the Government to indicate the specific measures taken or envisaged, including any regulations that may be adopted under section 24 of the 1974 Act, to prohibit any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Yugoslavia (ratification: 1961)

1. In an earlier observation the Committee noted that the reference to "moral and political suitability", as a condition for holding certain employment was declared to be unconstitutional by a meeting of the Presidents of the Constitutional Courts on 19 December 1979 and that this reference was to be gradually eliminated from the legislation and from advertisements for jobs. It also noted that most of the amended legislative provisions call for an evaluation of the social and general behaviour of the candidates in relation to the implementation of the aims and duties provided for by law or to the achievement of the aims of a self-management socialist society.

The Government stated that intensive work on amending the rest of the legal provisions referring to "moral and political suitability" was under way and that the work was to be finished by the end of 1983. It also referred to various measures taken by the authorities, to the fact that the number of competitions referring to the requirement of moral and political suitability was diminishing and that it was expected that any such reference would disappear completely.

The Committee notes the information provided by the Government to the effect that the Federal Executive Council and the executive councils of the assemblies of the republics and autonomous provinces, on the basis of conclusions adopted in 1982 by the Assembly of the Socialist Federal Republic of Yugoslavia with a view to eliminating illegalities and other irregularities established in the exercise and protection of constitutional rights, freedoms, duties and responsibilities of the working people and citizens, have included in their programmes of work the amendment of the legislation containing "moral and political suitability" as a condition for the holding of certain jobs. The Government states that these amendments have been made to most laws and regulations. The Committee has studied with interest the survey, enclosed with the report, on the provisions of the legislation of the Socialist Republic of Slovenia and the Socialist Autonomous Province of Vojvodina that have been amended. The Committee notes the practical measures taken, particularly by the Social Attorney of Self-Management of the Socialist Republic of Slovenia, who has published a compulsory instruction on the basis of which communal social attorneys of self-management in 1983 issued 56 proposals for amendments, 33 warnings and 21 concrete proposals for the elimination of irregularities in self-management general enactments.

The Government states that in accordance with the supervision of the observance of the procedure for competitions and public announcements, labour inspectors are obliged to take appropriate measures, within the limits of their powers, for the deletion of the requirement "moral and political suitability", from announcements of competitions and job vacancies.

The Committee takes due note of this information and requests the Government to continue to provide information on the measures taken to ensure the observance of the Convention on this point, particularly on the measures taken by the self-management attorneys and the labour inspectors, in accordance with the declaration of the Presidents of the Constitutional Courts of 19 December 1979 and in relation to a number of points raised in a request addressed direct to the Government.

2. The Committee also noted in an earlier comment that the authority competent to apply section 98 of the Law on higher education of Serbia, which authorises the suspension of persons who "cause damage to social interests", had not assessed the activity of the person concerned from the point of view of his political opinions and that no court had handed down a decision on the basis of this provision.

The Government states in its report that, in connection with the reform of the educational system of Serbia, the procedure has been instituted to amend the above-mentioned Law and that a public discussion on the proposed solutions is under way.

The Committee takes due note of this statement and requests the Government to provide information on any progress made in this connection and on a number of points raised in a request addressed direct to the Government.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Benin, Burkina Faso, Byelorussian SSR, Canada, Cape Verde, Central African Republic, Chile, Colombia, Côte d'Ivoire, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, Islamic Republic of Iran, Israel, Italy, Jamaica, Jordan, Liberia, Madagascar, Malta, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Pakistan, Portugal, Sao Tomé and Príncipe, Saudi Arabia, Senegal, Sierra Leone, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Yemen, Yugoslavia.

Convention No. 112: Minimum Age (Fishermen), 1959

Liberia (ratification: 1960)

Article 2, paragraph 1, of the Convention. With reference to its previous observations, the Committee notes that the Government again refers in its report to the draft Labour Law, which contains a provision intended to give effect to this Article of the Convention. The Committee recalls that the Government had also communicated a draft decree containing a provision to the same effect. It trusts that a suitable text will shortly be adopted and that the Government will communicate a copy.

Convention No. 113: Medical Examination (Fishermen), 1959

Liberia (ratification: 1960)

With reference to its earlier observations, the Committee notes that the Government again refers in its report to the draft Labour Law, which contains a provision intended to give effect to Article 2 of the Convention (need of a certificate of fitness to be employed on board fishing vessels). The Committee points out that the Government had also communicated a draft decree containing a provision to the same effect. It trusts that a suitable text will shortly be adopted, that this will also take into account the provisions of Articles 3 (nature of the medical examination), 4 (period of validity of the certificate), and 5 (possibility of a further medical examination), and that the Government will communicate a copy.

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

Convention No. 114: Fishermen's Articles of Agreement, 1959Liberia (ratification: 1960)

With reference to its earlier observations, the Committee notes that the Government again refers in its report to the draft Labour Law, which is to give effect to the Convention. It recalls that the Government had already communicated a draft decree containing provisions to the same effect. The Committee trusts that a suitable text will shortly be adopted and that the Government will communicate a copy.

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

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: Guinea, Nicaragua.

Convention No. 117: Social Policy (Basic Aims and Standards), 1962

Requests regarding certain points are being addressed directly to the following States: Nicaragua, Portugal, Syrian Arab Republic.

Convention No. 118: Equality of Treatment (Social Security), 1962France (ratification: 1974)

1. Article 10, paragraph 1, of the Convention (in conjunction with Article 3, paragraph 1, branch (d) (Invalidity Benefit)). The Committee notes with satisfaction the adoption of circular No. 8 SS of 23 January 1980 under which, not only refugees, but also stateless persons, who fulfil the conditions, except for nationality, set forth in sections 685 et seq. of the Social Security Code, can obtain the benefit of supplementary allowance from the National Solidarity Fund.

2. Article 3, paragraph 1, branch (d) (Invalidity Benefit). In its earlier comments, the Committee, which had previously taken note of the observations of the General Confederation of Labour (CGT), in relation to Convention No. 97, concerning the conditions of payment of allowance for handicapped adults instituted by Act No. 75-534 of 30 June 1975, had expressed the hope that provision of this allowance could be guaranteed to 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 of paragraph 2(b) of

Article 4 making the grant of the allowance dependent on a period of residence up to five years). It stressed 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. In this connection, the Committee took note, from the reply of the Minister of National Solidarity to the written question of a senator (Official Gazette of the Senate, 3 April 1982, page 906), that the possibility of granting all foreigners the right to allowance for handicapped adults, subject to a certain period of residence, was being thoroughly examined.

The Committee notes that the Government's report contains no information on the progress achieved in implementing this provision of the Convention in regard to this point. Consequently, it can only draw the Government's attention to the above comments and express the hope that the next report will contain information in this respect.

Suriname (ratification: 1976)

Articles 4 and 5 of the Convention - branch (g) (employment injury benefit). In reply to the Committee's previous comments, the Government states that, in the discussions held with the insurance companies in the course of preparation for Decree E-38 of 20 January 1983, no solution could be found to the problem of cumulation of benefits which arose, in particular, in the case of beneficiaries leaving Suriname to settle in the Netherlands, and that it was accordingly decided as a compromise that benefits abroad would be paid normally after a three-year period from the date of the accident (when the disability is considered to be permanent), and that beneficiaries wishing to leave Suriname before that deadline would be entitled to request the conversion of their pension into a lump sum.

While noting this information, the Committee wishes to point out that section 6, subsection 8, of the Accidents Regulations as amended by Decree E-38 of 20 January 1983 is not entirely in conformity with the Convention in so far as it provides only for the possibility for a beneficiary to request the conversion of his employment injury pension into a lump sum if he transfers his residence abroad before the expiry of the three-year period mentioned above. The Convention in fact provides that employment injury pensions must continue to be paid without restriction where the beneficiary, whether a national of Suriname or of any State that has accepted the obligations of the Convention in respect of this branch, transfers his residence outside the territory. As concerns more particularly the problem of cumulation mentioned by the Government, the Committee is of the opinion that this could be dealt with by means of arrangements or agreements of the kind provided for in Articles 9 and 11 of the Convention.

The Committee consequently expresses the hope that the further discussions the Government is going to have with the insurance companies will lead to the adoption of measures designed to remove all restrictions on the payment abroad of periodical benefits payable in cases of permanent disability even if the degree of incapacity is

still subject to review (but without prejudice to any measures that might be taken, in particular within the framework of arrangements and agreements contemplated by Articles 9 and 11 of the Convention in order to avoid cumulation of benefits and provide for checking of the condition of injured persons resident abroad).

In addition, the Committee requests the Government to specify the laws, regulations or other provisions whereby the payment of employment injury pensions abroad is guaranteed to injured persons once the above-mentioned three-year period has expired as well as to the dependants of injured persons where they are resident abroad.

Turkey (ratification: 1974)

Article 5, paragraph 1, of the Convention. With reference to its earlier comments, the Committee notes with satisfaction the publication in the Official Gazette No. 18457 of 13 July 1984 of the statement by the Central Bank of the Republic of Turkey on the basis of the communication issued by the Deputy Prime Minister and the Minister of State. This communication provides that the payments to be made by Turkish social security institutions to the nationals or to the institutions of countries that have signed a bilateral agreement with Turkey and the payments to be made to the nationals or to the institutions of countries with which reciprocal agreements have been concluded by the Minister of Foreign Affairs in spite of the absence of any social security agreement, are transferred by the banks upon the application of the institutions of the country of residence. The Committee also notes the Government's statement to the effect that following this decision, currency control restrictions have been removed with regard to the transfer of social security benefits, in conformity with the principles envisaged in Article 5, paragraph 1 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, France, Kenya, Libyan Arab Jamahiriya, Turkey.

Convention No. 119: Guarding of Machinery, 1963

Central African Republic (ratification: 1964)

The Committee notes from the reply of the Government to its previous observation that the draft decree provided for by section 37 of General Order No. 3758 of 25 November 1954, which is intended to give effect to Article 2, Article 10, paragraph 1, and Article 11 of the Convention, is now before the Committee on Legislation. The Committee points out that this draft was prepared during the direct contacts of 1980 and hopes that the Government will do everything

possible to ensure its very early adoption with a view to giving full effect to the Convention.

Cyprus (ratification: 1965)

Further to its previous comments, the Committee notes the Regulations communicated with the report, which provide some additional protection in conformity with the Convention's requirements. It recalls, however, that there remain several gaps in the coverage of the legislation. It also recalls that the Government has been stating for a number of years that it intended to take legislative action.

In this connection, the Committee notes with interest from the Government's report that the Government is now making the necessary arrangements towards the introduction of new legislation on working conditions and environment and the protection of workers' health and safety, which would cover all workplaces throughout the nation's economy. The Committee hopes that the new legislation will be adopted shortly and that it will ensure the application of the whole Convention to all sectors of economic activity.

Ghana (ratification: 1965)

The Committee notes from the Government's report that its observations will be placed before the Tripartite National Advisory Committee on Labour, which has recently been revived, for consideration and the necessary action. The Committee once again trusts that provisions will be adopted soon in laws or regulations ensuring the application of the Convention in agriculture, forestry, road and rail transport and shipping, in accordance with Articles 1 and 17 of the Convention.

With regard to the application of the Convention in mines, the Committee points out that the Mining Regulations, 1970, the Mining (Amendment) Regulations, 1971 and the Explosives Regulations, 1970, have not been received and again requests the Government to furnish these texts with its next report.

Guinea (ratification: 1966)

With reference to its previous observation, the Committee notes from the report of the Government that the revision of the national legislation on occupational safety and health is at present in progress with the assistance of the ILO.

The Committee hopes that the new legislation will be adopted shortly and that it will take full account of the points raised by the Committee in its earlier comments.

The Government is asked to indicate in its next report any progress made in the matter.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Jordan (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:

For a number of years already the Committee has been calling the Government's attention to the fact that there exist no express provisions in the national legislation prohibiting the sale, hire, transfer in any other manner and exhibition of machinery of which the dangerous parts are without appropriate guards in compliance with Part II of the Convention.

In its previous reports the Government has indicated that the draft of the new Labour Code is being prepared and that it would give effect to the provisions of the Convention.

The Committee notes from the Government's reports received in May 1984 and in February 1985, as well as from the information supplied by the Government to the Conference Committee in June 1984, that the new Labour Code has not yet been adopted, but that the comments of the Committee of Experts were examined by the Government Committee charged with studying the draft Labour Code. It also notes that the Government Committee concluded that the above-mentioned requirements of the Convention have been dealt with in the Jordanian Civil Code and that there is no provision which prohibits claims for indemnification for harm caused by this machinery, based upon the general rules of civil law.

The Committee points out that the Convention expressly prohibits the sale, hire, transfer in any other manner and exhibition of machinery of which the dangerous parts are without appropriate guards. Provisions which merely provide for indemnification for harm caused by the lack of such provisions do not meet the Convention's requirements. The Committee therefore once again urges the Government to take the necessary measures to ensure full application of these essential provisions of the Convention in the very near future.

Niger (ratification: 1964)

The Committee notes from the Government's report that the draft Decree to issue the rules on safety and health to be observed in the use of machinery, which is intended to give effect to the Convention, has been amended to take account of the earlier comments of the Committee. The Committee hopes that this draft will be adopted shortly and that it will also take account of the comments made in the request being addressed directly to the Government.

Sierra Leone (ratification: 1964)

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

Following its previous observations, the Committee notes with interest that, according to the Government's report, the draft of the revised Factories Act, which awaits adoption during the next session of Parliament, will give effect to Part II of the Convention (prohibition of the sale, hire, transfer in any other manner and exhibition of unguarded machinery) and to Article 17 (application of the Act to all branches of economic activity including road and rail vehicles, agricultural machinery, mines and shipping) and incorporates all the relevant comments and suggestions.

The Committee hopes that this Act will be adopted very soon and that the Government will provide a copy of it with its next report.

Tunisia (ratification: 1970)

With reference to its earlier observations, the Committee notes that the draft order determining the dangerous machinery or parts that must be provided with guards has not yet been adopted, but that it will be reconsidered by a technical committee consisting of representatives of the departments concerned and the employers' and workers' central organisations.

The Committee trusts that the order in question will be adopted very shortly with a view to giving effect to Article 2, paragraphs 2, 3 and 4, and Article 6, paragraph 1, of the Convention and that it will also prohibit, as provided by Article 2, paragraph 2, of this instrument, the transfer and exhibition of machinery of which the dangerous parts are without appropriate guards.

The Committee, moreover, takes note of the adoption of Decree No. 85-722 of 7 May 1985 prohibiting the use of rolling machinery in bakeries.

[The Government is asked to report in detail for the period ending 30 June 1986.]

* * *

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

Convention No. 120: Hygiene (Commerce and Offices), 1964

Guinea (ratification: 1966)

Further to its previous observation, the Committee notes from the report of the Government that the revision of the national legislation on occupational safety and health is at present in progress with the assistance of the ILO.

The Committee hopes that the new legislation will be adopted shortly and that it will take full account of the points raised by the Committee in its earlier comments.

The Government is asked to indicate in its next report any progress made in the matter.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Paraguay (ratification: 1967)

With reference to its earlier comments, the Committee takes note that the Government, with the co-operation of the Spanish Government, has finished drawing up draft legislation concerning occupational safety, health and health care which gives effect to all the comments made by this Committee. It also notes that, once the preliminary studies have been completed, a copy of the above document will be transmitted to the Office for it to make the appropriate recommendations and modifications.

The Committee once again expresses the hope that this draft will be adopted in the near future in order to ensure the application of Article 10 (temperature of the premises) and Article 18 (reduction of noise and vibrations) of the Convention and, in accordance with Article 4(b), to give such effect as may be possible and desirable under national conditions to the Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120). The Committee requests the Government to report on progress achieved in this respect. Please also indicate whether the draft also covers enterprises operated by the State, municipalities and other autonomous or self-governing bodies and, if this is not the case, transmit as previously requested copies of the rules by which effect is given to the Convention in these bodies.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Italy, Jordan, Madagascar, Senegal.

Convention No. 121: Employment Injury Benefits, 1964

Requests regarding certain points are being addressed directly to the following States: Ireland, Luxembourg, Netherlands.

Convention No. 122: Employment Policy, 1964

Bolivia (ratification: 1977)

Further to its previous observation, the Committee notes that the Government has proposed the formulation of an Employment Plan, in accordance with national development strategy, a principal objective of which is to seek a growth model aimed at the generation of massive

and productive employment. It notes furthermore that, with PREALC assistance, improvements are to be made in the collection of statistical data concerning labour market behaviour and other employment variables and that the Public Employment Service is to be strengthened and extended at the national level.

The Committee has been pleased to note these developments in employment policy and planning, and has noted with interest the ILO technical assistance being supplied on these issues, in particular for the formulation of an emergency employment programme in the urban areas of Bolivia. However, in view of the fact that both unemployment and underemployment levels have risen sharply in recent years (with underemployment in excess of 50 per cent in 1982 and open unemployment registered at approximately 13 per cent in 1984 according to ILO estimates), and that the overall economic situation has also deteriorated, the Committee hopes that the next report can describe in more detail those employment policy measures which are now in the implementation stage, in particular any specific measures to save or create employment.

The Committee is raising further matters in a direct request.

Costa Rica (ratification: 1966)

1. The Committee has taken note of the Government's report for the period ending 30 June 1984. It notes that the level of open unemployment has fallen in recent years, and that both visible and invisible underemployment have also been decreasing. The Government has described measures including subsidies for employment creation which have been taken to alleviate the problems of unemployment. Furthermore, the Committee has noted with interest the contents of Organic Law No. 6868 of 29 April 1983, providing for tripartite representation on the Management Board of the National Training Institute (INA).

2. The Committee has also taken note of the information supplied in connection with the representation made by a number of Costa Rican labour confederations (CTC, CATD, CUT, CCTD and CNT) under article 24 of the ILO Constitution; and of the report of the Committee set up to examine the above representation adopted in June 1985 by the Governing Body. The Governing Body Committee, noting that certain Government actions (such as some provisions of Act No. 6955 of 1984 for the financial equilibrium of the public sector) are designed to freeze public sector posts and to limit employment in the public sector, has pointed out that if measures taken under the policy of restrictions are not offset by other designed to promote employment in general, they might produce effects contrary to the provisions of Article 1 of Convention 122. It has therefore recommended that the Government, in the reports to be presented on Convention 122, should include detailed information concerning employment in the public sector, and on various questions related to employment policy in general, in particular (i) information in detail on the various job-creation subsidies to which the Government alludes in its latest report on the application of this Convention and (ii) information on measures to deal with the economic situation or structural measures

(including the National Development Plan) adopted to reduce unemployment.

3. The Committee has taken note of these recommendations, and looks forward to receiving a detailed report in time for examination at its next session. In a direct request, it has raised additional questions concerning overall and sectoral employment policies, its agrarian reform programme, and vocational training measures.

Ecuador (ratification: 1972)

The Committee notes from the Government's report that the declining rates of growth in production have led to high levels of unemployment and underemployment. In November 1982, 128,792 Ecuadorians were listed as unemployed, and at the end of 1983 a further 1 1/2 million (or 60 per cent of the economically active population) as underemployed. The Government states that, whereas the 1980-84 National Development Plan had envisaged the creation of 490,000 new jobs, only 141,723 jobs were in fact created, i.e. approximately 30 per cent of the original objective.

The Government states that the declining level of investment growth (down 29.7 per cent between 1980 and 1983) has been a major factor behind the contraction in employment levels. In sectoral terms, agriculture and cattle-raising, together with forestry and fishing, have suffered in the rural sector; and there has been a decline in both construction and overall industrial production in the urban sector. It states furthermore that there has been an increase in rural-urban migration.

The Government mentions certain emergency measures which it has taken to deal with the present economic crisis. It refers furthermore to Executive Decree No. 2449 of 27 February 1984, which provided for the creation of a National Employment Council to co-ordinate a national employment programme, and for the establishment of an Inter-Institutional Technical Committee to carry out studies and investigations in the area of employment and human resources.

In a direct request, the Committee has asked the Government to describe the accomplishments of the National Employment Council and of the technical commissions, to indicate the manner in which representatives of employers' and workers' organisations are consulted concerning employment policies, and also to give a fuller description of those measures which have been taken to save or create employment within the difficult circumstances of the present day. It has also requested further information on agrarian reform and rural development programmes which might stem the flow of rural-urban migration.

Federal Republic of Germany (ratification: 1969)

1. The Committee has taken note of the information furnished by the Government to the 1985 session of the International Labour Conference. It notes that the Government's priority objective is a return to dynamic and self-generating growth, with investment playing a key role to create the jobs necessary for an effective struggle

against unemployment, and that small and medium-sized undertakings are considered as being at the heart of employment policy.

The Government has also described the various labour market and training measures which have been implemented, in order to tackle a serious unemployment situation. These have included, for example: improvements in youth training, with a larger number of young persons benefiting from apprenticeship programmes; agreement to reduce working time; early retirement schemes; and part-time work as a means of creating new jobs through greater flexibility. The Government states that in 1983 employment measures taken by the Federal Employment Office (benefits for reduced work, further training, retraining and employment-creation measures) had an effect on the employment of 400,000 persons, and permitted 320,000 unemployed persons to find work. Finally, the Government refers to various forms of illegal employment which upset the employment market, indicating that more effective action is taken since the entry into force, in 1982, of the Act to combat illegal employment.

2. While recognising the wide range of measures taken to improve employment and training opportunities, the Committee notes nevertheless that unemployment rates were at the relatively high level of 8.5 per cent of the labour force in mid-1984, while the longer-term unemployment rose, in relative terms, between 1982 and 1984. It thus hopes that the Government in its next report will give a full description of the impact of the labour market measures described above on the employment situation, and that it will also describe any fiscal, monetary and investment measures taken in order to alleviate the present levels of unemployment. While noting that the Government has provided some statistical information on employment creation for 1983, the Committee hopes that the Government will now provide further information by sector and by region, indicating any special measures taken in those industrial regions where the levels of unemployment are considerably higher than the national average. It hopes furthermore that the Government will assess the impact of measures to stimulate medium and small industry, which is seen, as already mentioned above, as an important area for future job creation.

3. The Committee notes that a new Law on Employment Promotion was adopted in May 1985, allowing for greater flexibility in the labour market, and in particular for more flexible labour contracts. It hopes that the Government can provide full details of this new legislation with its next report, indicating any effects that it may have had so far on the employment situation, and describing any consultations that have taken place with the social partners, in particular the representatives of employer and worker organisations, concerning the adoption and implementation of this law.

Italy (ratification: 1971)

1. The Committee has taken note of the Government's report and of the several detailed appendices including new legislation pertinent to employment policy, statistical data on levels and trends of employment by sector and by region, and employment policy measures and programmes which have been proposed for the future. It has also

noted the comments furnished by the industrial organisation Associazione Sindacale Intersind consisting of an excerpt from its annual report which analyses employment policy legislation and practice over the previous year.

2. The Government has stated that its objective is a medium and long-term employment policy which would promote employment without sacrificing development. In this connection, the Committee has noted with interest the contents of a draft document prepared by the Minister of Labour concerning the ingredients of a long-term employment policy over the next decade. This document refers to certain measures that are soon to be undertaken, such as a series of studies on manpower and employment issues in conjunction with the statistical institute, ISTAT. The document also presents a wide number of employment policy options for discussion. Furthermore, the Committee observes that, in compliance with the pledges made under the tripartite agreement of 14 February 1984 (which covers, among other things, measures to promote employment, reduction of work time and flexibility of work schedules), the Government has adopted Legislative Decree No. 726 of 30 October 1984, providing for emergency measures to sustain and increase occupational levels. With regard to public sector employment, the Government announces its intentions to locate new public administration posts in the southern region of the country, to find approximately 5,000 medium-level posts in administration and industry and to create an additional 10,000 to 12,000 posts for qualified persons in areas of greatest need. The Government has also described measures which increase freedom of choice for employers in labour recruitment and allow for part-time work contracts and combined work and training contracts such as those for young persons between 15 and 29 years of age.

3. The Committee notes that with little variation, the unemployment rate in Italy over the past two years has been around 10 per cent of the economically active population (the average for 1984, according to the ILO Year Book of Labour Statistics, was 2,391,000 or 10.4 per cent of the labour force). Moreover, according to a June 1985 OECD study, industrial jobs fell by 2.7 per cent in 1984 whereas there was an increase in employment in services and an estimated 5.3 per cent increase in the number of self-employed persons. In general, small rather than large industry has provided more employment opportunities over the past decade. Unemployment is reported to be particularly serious in such southern regions as Calabria and Sicily and in Naples, and the Committee notes rising rates of youth unemployment (from 25 per cent of the youth labour force in 1980 to around 34 to 35 per cent in 1984-85) and a rising share of long-term unemployment in total unemployment (about 42 per cent in 1983).

4. Bearing in mind the current unemployment levels, the Committee has noted with interest that the Government is now paying attention to long-range forward planning on employment policy issues, allowing for technological change and for industrial reconstruction, and that new measures on wages, incomes and overall employment policy are taken in full consultation with the social partners. The Committee will be pleased to hear of any further progress made in the adoption of a long-term employment policy and to receive details of any new measures adopted in this area. For example, it would like to

know whether Act No. 665, providing for an overall reform of existing legislation on labour market issues, is finally adopted by Parliament. Finally, as far as migration of manpower is concerned, and considering the relatively recent emergence of immigration (legal or illegal) flows, the Committee would appreciate receiving information on available estimates of these flows and on migration policies adopted or envisaged in particular in line with Point X of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169).

Mauritania (ratification: 1971)

The Committee notes with regret that for the fourth 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.

Netherlands (ratification: 1967)

1. Further to its previous observation, the Committee has noted the detailed information furnished by the Government, as well as the comments made by the Federation of Christian Trade Unions in the Netherlands (CNV) and the Confederation Netherlands Trade Union Movement (FNV) concerning the application of this Convention.

2. In order to counteract rising unemployment trends, the Government states that since November 1982 it has followed a three-pronged policy aimed at a permanent recovery of the Dutch economy. The first two of these, aiming at a structural recovery, are control of public expenditure and reinforcement of the market sector. The Government has described fiscal and monetary measures aimed at reducing the financing deficit and at stabilising the burden of social security and taxes.

With regard to the strengthening of the market sector, the Government has outlined a number of measures including a deregulation programme for physical planning measures to lighten the burden of industry, such as reductions in the company tax rate, fiscal facilities to benefit medium and small industries, and a reduction in employers' social security contributions; grants to support reindustrialisation, and other support measures as recommended in the reports of the Industrial Policy Progress Committee; a new technology policy, with a subsidy scheme for research and development costs; and a new price policy involving the termination of maximum price regulations in the majority of industrial and trade sectors.

3. Considering that the level of unemployment is unlikely to be reduced to a socially acceptable level in the near future simply by creating jobs, a third target is being aimed at, namely a policy designed to reallocate available work. The Government report describes at length those programmes under the responsibility of the Ministry of Social Affairs and Employment which now aim (a) to

redistribute employment among other people, (b) to offer possible alternatives to structural unemployment, and (c) to have a more smoothly functioning labour market. The Central Planning Office estimates that a 5 per cent reduction in working hours will mean about 50,000 additional man-years, whereas the next 5 per cent reduction will produce considerably more jobs if the economy continues to recover. In a supplementary report, the Government states that a general reduction in working hours in the government sector will mean the retention or creation of 26,000 jobs by August 1985; and the conversion of certain full-time posts into part-time jobs will also lead to about 10,000 additional jobs.

As regards creating alternatives to structural unemployment, the Government describes such schemes as the Community Task Plan (GTP), under which young persons who have already been unemployed for a considerable period may gain work experience on a voluntary basis; a system of practical experience posts (PEP), intended to give the unemployed greater prospects of integration or reintegration into working life by allowing them to gain practical experience in an organisation, combined where possible with job-oriented courses; and a "third labour circuit", under which government agencies and institutions in the non-market services sector are given the opportunity of creating a number of supplementary jobs.

With regard to manpower and sectoral policy the Government states that, while its main priority will continue to be on combating youth unemployment, in view of the composition of the unemployed, the overall manpower policy will be focused more than previously on a market-oriented approach, geared to the needs of industry. The employment market would function more smoothly, and employers would register their vacancies more readily, if they were given efficient and rapid service by the employment offices.

4. On this issue, the Federation of Christian Trade Unions in the Netherlands (CNV) states that for a year there has been a deliberate shift in policy, to which the unions take exception because it is moving in the direction of a demand approach where a one-sided emphasis is placed on the needs of the employer. The CNV also points out that certain of the employment initiatives mentioned in the Government's report - such as the PEP and the third labour circuit - are still in the discussion rather than the operational stage.

The Confederation Netherlands Trade Union Movement (FNV) also affirms that employment offices have increasingly concentrated on the interests of the employers. It says that no employment services are offered to the people aged 57.5 and above or to the long-term unemployed who are not regarded by the local employment offices as effective manpower. The FNV observes furthermore that whereas the Government's report focuses mainly on labour market policies and programmes, other fiscal and public expenditure policies imply a direct dismantling of employment opportunities in the public sector, and the policy aiming at recovery of the market sector produces no immediate results for employment. With regard to measures for the redistribution of work, and of incomes, the FNV states that the effect of government measures is that existing differences are being increased and the lowest paid are being asked to make disproportionate sacrifices. The FNV objects strongly to the fact that alternative

employment projects, which it sees as concerned mainly with the retention of unemployment benefits, are being presented as employment policy measures. The FNV emphasises that employment policy within the terms of the Convention should relate to permanent productive employment.

5. The Committee has taken due note of these comments by worker organisations and of the Government's response. It notes that overall unemployment in the Netherlands remains at an extremely high level, about 15 per cent of the labour force, in comparison with that in other industrialised OECD countries. It notes furthermore, from OECD statistics and analyses, that the duration of unemployment has increased sharply in recent years: the proportion of persons unemployed for more than 12 months rose from 25 per cent of the total unemployed in 1978 to more than 55 per cent of the total in 1984.

The Committee hopes that the Government will conduct a careful evaluation of policies and measures to redistribute work opportunities and to reduce working time, in order to assess the overall impact of these measures on the employment situation and on the redistribution of incomes. It hopes also that the Government's next report will contain a detailed analysis of macro-economic policy measures, including fiscal, budgetary and public expenditure programmes in so far as they relate to employment creation. It hopes also that the next report will give a full description of consultations held with the representatives of employer and worker organisations to seek their support for the wide range of measures and programmes which are already being undertaken, or are now envisaged.

6. In a direct request, the Committee is asking for further information on the various employment-creation measures mentioned in the Government's report.

Panama (ratification: 1970)

The Committee notes with interest the Government's detailed report describing both the current employment situation and the job creation measures which have been proposed for the future. The report also gives background information concerning the effects of the economic crisis in the Latin American region on development planning and economic policy in Panama.

In the 1970s it is said, the State assumed a prominent role in the promotion and generation of investment and employment to assist development; this strategy was made viable by the wide availability of external financial resources obtained on the basis of public indebtedness. The planning process was strengthened, a National Development Plan and Strategy were formulated, and these provided the normative framework for policies and programmes for sectoral and regional development. The large public works carried out in the areas of education, health, economic infrastructure, transport, etc. formed the basis of the Government's employment policy, and as a result the State created directly around 77 per cent of the employment generated between 1974 and 1979.

However, during the 1980s, the economic and financial crisis of the Latin American region and the enormous weight of the external debt

made it impossible for the State to maintain this policy, and led to a call for a more active role for private investment in national development and economic recovery. The Government notes, furthermore, that GDP, after experiencing high growth rates between 1978 and 1980, grew far less in the 1980s (2.1 per cent growth in 1981, 2.7 per cent in 1982, and 0.3 per cent in 1983, whereas preliminary figures for 1984 point to a 1.2 per cent decline in growth for this year).

The Government has pointed to the need to reformulate development policies, in order to provide a more active role for the private sector in solving national economic and social problems; a need that will be more acute for the future in view of the fiscal and financial restrictions on the public sector. It has also stressed the need to adopt measures of adjustment in the economic structure; and the need for such measures not to be "recessive" but, on the contrary, to stimulate production and productivity throughout the country.

The Committee has taken note of these statements. Noting, however, that there is apparently no official declaration or document of employment policy as explicitly requested under Article 1 of the Convention, the Committee hopes that an official and comprehensive employment plan will soon be adopted and that it will describe the full range of employment policy measures to be taken by the Government, including labour market policies, educational and training policies, and investment, fiscal and monetary, trade, prices and wages policies in so far as they relate to the saving or creation of employment. Further questions are raised in a direct request.

Peru (ratification: 1967)

The Committee has taken note of the Government's report. The Government states that the unemployment figures for the economically active population are up from 417,000 in 1982 to 564,000 in 1983 (a 35 per cent increase) whereas underemployment is up from just under 3 million in 1982 to over 3 1/2 million in 1983 (a 17 per cent increase). Peru, it states, has in recent years been affected by a severe economic and financial crisis due to external and internal factors, leading to a recession in productive activity, and to the consequent negative effects on employment levels.

The Government reports that measures were taken in the years 1980-82 to raise production and productivity in those sectors of the economy considered to be strategic. Nevertheless, many of these measures were discontinued as the country entered one of the greatest economic crises in memory.

The Government states furthermore that adjustment policies, taken in order to stabilise the economy and to overcome the fiscal deficit through the contraction of both current expenditure and investment, have played a decisive role in this situation. The range of measures have had their effects on the various productive sectors. The reduction of state expenditure had much influence on the decline in construction; and the lowering of tariffs, in order to influence prices, permitted import liberalisation as a result of which various subsectors of industry reached a critical state. Likewise, the

increasing cost of credit and the contraction of demand have affected productive investment. All this has led to a serious downfall in employment levels.

In its report, the Government describes new legislation, administrative arrangements and certain measures aimed to create employment within this unfavourable economic climate. It describes, among other things: the creation of a Special Employment Commission; the proposed formulation of a National Employment Plan; agricultural credit measures; measures for the promotion of youth employment; measures to stimulate the participation of women in economic activity; programmes for the handicapped; and an emergency programme in certain provinces and departments now in a state of emergency.

In a direct request the Committee has requested more information on specific measures taken to save or create employment; and statistical or other analysis of the effects of the external factors mentioned above on the employment situation in Peru.

Portugal (ratification: 1981)

The Committee has noted the comments made by the General Confederation of Portuguese Workers (CGTP/IN) concerning the application of this Convention, and also the Government's response to these comments.

1. The CGTP/IN considers that there is at present no policy aimed at full, productive and freely chosen employment in Portugal. It states that the Government, arguing the need to deal with the balance-of-payments problem, have postponed full employment as a priority objective and, yet more seriously, has refrained from implementing measures that might diminish the impact of recessive economic policies on employment. The CGTP/IN points to the gravity of the unemployment situation today, officially estimated at 11 per cent although sources indicate that there will be a progressive deterioration. Among the causes of growing unemployment cited by the CGTP/IN are (a) the fall-off in emigration over the past decade, (b) some demobilisation of the military forces and the consequent incorporation of 100,000 youths within the labour force, and (c) the return to Portugal of almost half-a-million overseas colonists.

With regard to the rural sector, the CGTP/IN points to the adverse effects of discontinuing the agrarian reform programme carried out in 1974-75 (which had raised agricultural production, and demonstrated the possibility of increasing jobs through a better utilisation of abandoned and debased lands). It notes that agriculture provides for 24 per cent of all employment, and that, if past trends continue, it will prove difficult for those persons leaving agriculture to be absorbed by other sectors of the economy.

With regard to vocational training, the CGTP/IN acknowledges that training programmes have improved, but considers nevertheless that existing means are clearly insufficient to meet the needs. It states that there is an urgent need for a law on vocational training to articulate the various forms of training with the educational system, and also a need for a global plan for vocational training, outlining objectives and goals in this area and defining the means and actions

needed to achieve them. The CGTP/IN also criticises the procedures for consultation with the social partners over employment policy issues and states that Article 3 of the Convention is not applied.

2. In response to these comments by the CGTP/IN, the Government describes the number of legislative and other provisions which have been adopted recently in the area of employment policy, including unemployment insurance, measures on behalf of young and other disabled persons, measures of financial assistance to sectors including the metalwork and textile sectors, employment premiums establishing jobs for young persons seeking their first employment, and a number of additional measures taken in the area of vocational guidance and vocational training.

The Government has also indicated improvements in the procedures for consultation between the social partners, for example through the creation of the tripartite Permanent Council of Social Concertation, now fully operative, which advises the Government on overall development policies and on socio-economic restructuring.

With regard to vocational training, the Government observes the findings of recent studies that the permanent vocational training systems of the Ministries of Education and Labour are insufficient because of the small number of persons trained, and also because the vocational training centres are at present underutilised. However, the Government indicates a number of measures to be taken in order to improve the vocational training system. It points out, for example, that the 1985 plan of activities makes provision for the full operation of all vocational training centres run by the Institute of Employment and Vocational Training (IEFP), and that two additional teacher-training centres will be completed by 1988.

3. The Committee notes that the Government's first report for this Convention in 1984, and its 1985 supplementary report, contained detailed information on legislative and administrative measures taken in the areas of employment creation and vocational training. It also takes into account the information provided by the Government in its report on the Human Resources Development Convention, 1975 (No. 142). However, as the Government acknowledges, there is as yet no specific employment plan. As stated in its previous observation, the Committee hopes that the Government will provide information in its next report on its overall and sectoral development policies, indicating how employment objectives are taken into account when decisions are taken in such fields as investment policy, fiscal and monetary policy, and prices and incomes policies, and how the employment-creation objectives are integrated in longer-term planning and economic policy.

The Committee hopes furthermore that the Government's next report will contain information on agrarian policies, indicating any steps which may be taken in order to save or create jobs in the rural sector, and on international migration policy, indicating any measures taken or envisaged in particular in line with Part X of the Employment Policy (Supplementary Provision) Recommendation, 1984 (No. 169).

Finally, the Committee would like to receive any details of the practical result of consultations with those persons affected by employment policy measures, and in particular representatives of

employers and workers. The Committee refers on this point to its 1985 direct request, which also raised various other matters.

Turkey (ratification: 1977)

The Committee notes the contents of the Government's report. It notes that unemployment has increased, and affects a sizeable proportion of the economically active population (16.5 per cent, including disguised agricultural unemployment). The Committee notes that the Government attributes mainly to external factors beyond its control a determining role in explaining the difficulties it faces in promoting an employment policy conforming to the aims of the Convention. The Government refers in particular to protectionist measures in international trade, restrictive policies concerning the immigration of manpower and the widening of the technological gap between developed and developing countries. The Committee notes the wish expressed by the Government to see the ILO play a more active role in these fields; it recalls however that the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), contains suggestions on these questions concerning the fixing of desirable aims or the adoption of certain measures, including requests for ILO co-operation in respect of international migration.

Zambia (ratification: 1979)

The Committee has noted the Government's brief report. The Government states that, whereas its policy during the successive National Development Plans 1972/83 has been geared towards the generation of more employment as a major objective of development, the trend since 1976 has been unsatisfactory as a result of the global recession. While the country's population has been rising by 3.1 per cent annually, employment opportunities have been on the decline. Employment targets envisaged in the National Development Plans have not been attained due to the economic factors mentioned above and the effects of drought. Moreover, progress in the strengthening of employment programmes using established machinery to provide stronger incentives has been delayed by the continued world recession.

2. While describing these difficult circumstances, the Government has also mentioned certain measures aimed at improving the employment situation. Some job opportunities, it states, have been created as a result of the introduction of small-scale Industries Development Organisations through legislation. It mentions also a policy of social services and infrastructure, and providing fiscal incentives and credit facilities as well as the adoption of a preferential policy towards the products of small industries.

3. The Committee notes that the Government's report has emphasised in general terms that global recession has caused severe difficulties for the employment situation in Zambia: but it has not provided any specific information on levels and trends of unemployment and underemployment, nor any sectoral information as to which sectors

of the economy have been most severely affected by the current recession. Moreover, the Government has given no indication as to the number or kind of job opportunities created through the Industries Development Organisations or other employment creation initiatives.

4. The Committee, while fully aware of the difficult circumstances caused by global recession, low commodity prices and the requirements of international debt repayment, nevertheless hopes that the Government can provide a more detailed report describing any specific employment creation measures and programmes which may be taken in order to counteract the adverse effects of those international factors described above. In this connection, the Committee considers it advisable to recall that the Convention (Article 1) requires the ratifying State to declare and pursue "as a major goal, an active policy" to promote employment, "with a view to stimulating economic growth or development". It hopes that the preparation of the Fourth National Development Plan, in which the ILO Southern African Team for Employment Promotion (SATEP) is involved, will permit the formulation of a development strategy giving recognition to the aims of the Convention.

5. The Committee notes the information, in reply to its previous comments concerning Article 3 of the Convention, that measures to promote individual participatory democracy are still in their initial stages and could only be fully implemented when the current crisis period is past. It nevertheless hopes that the referred measures could be developed progressively in order to give effect to those key provisions of the Convention which specifically provide that representatives of employers and workers (as well as of other persons affected) shall be consulted concerning formulation and implementation of employment policies. The Committee is raising further matters in a direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, Cameroon, Comoros, Costa Rica, Cyprus, Djibouti, Ecuador, German Democratic Republic, Guinea, Honduras, Iraq, Israel, Jamaica, Jordan, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mongolia, Morocco, Netherlands, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Senegal, Sudan, Turkey, Uganda, United Kingdom, Zambia.

Convention No. 123: Minimum Age (Underground Work), 1965

Rwanda (ratification: 1970)

Article 2 of the Convention. In reply to comments that the Committee has been making for many years, the Government has stated on several occasions 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 the present Article of the

Convention. In its latest report, the Government again refers to this draft, but states that it is not yet ready to be submitted for adoption. The Committee once again expresses the firm hope that the necessary provisions to give full effect to the Convention will be adopted very shortly.

Article 4, paragraph 1. The Committee refers to its earlier comments and trusts that the above-mentioned draft will provide for appropriate penalties to ensure the effective enforcement of the Convention.

Article 4, paragraphs 4 and 5. The Committee also hopes that measures will be taken to ensure that the records that the employer must keep under section 5 of the Presidential Order of 17 April 1978 contain, for young persons under 20 years of age, the date of birth, duly certified wherever possible, and the date at which they were employed or worked underground in the undertaking for the first time, and to ensure that the employer makes these records (or lists of the persons in question) available not only to the inspectors but also to the workers' representatives at their request.

Zambia (ratification: 1967)

Article 2 of the Convention. Further to its previous comments, the Committee notes from the Government's latest report that the proposed amendment to the Mining Regulations, which would give full effect to this Article of the Convention by restricting the possibility of employing young persons underground for training purposes to male young persons over the age of 16, has not yet been adopted. The Committee hopes that the draft text, referred to by the Government since 1978, will be adopted soon.

Convention No. 124: Medical Examination of Young Persons (Underground Work) 1965

Requests regarding certain points are being addressed directly to the following States: Bolivia, Greece, Jordan, Uganda.

Convention No. 125: Fishermen's Competency Certificates, 1966

Trinidad and Tobago (ratification: 1972)

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

Further to its earlier comments, the Committee observes that no legislation has yet been adopted which would give full effect to Parts II (Certification), III (Examination) and IV (Enforcement measures) of the Convention. Noting earlier statements by the Government that the drafting of such

legislation had been delayed by administrative problems, the Committee hopes that the Government will soon be in a position to indicate the measures taken in this regard.

The Committee also notes from the Government's report that additional courses are being arranged within the framework of the Caribbean Fisheries Training and Development Institute. As it has pointed out in its earlier direct requests, the Committee again calls attention to the fact that certain conditions of age and professional experience for courses already in place (particularly for mates and engine men) do not correspond to the minima laid down in the Convention. It requests the Government to report on any steps taken or contemplated to make them conform to the terms of the Convention.

* * *

In addition, a request regarding certain points are being addressed directly to Belgium.

Convention No. 126: Accommodation of Crews (Fishermen), 1966

Panama (ratification: 1971)

The Committee notes that the Government's report has not been received. It hopes that the Government's next report will indicate the measures which have been taken to give full effect to all provisions of the Convention (except regarding Article 3(c) and (d) and Article 5(a), (b) and (c)), as requested in the Committee's previous direct request. The Committee is addressing a direct request to the Government concerning the application of the specific technical requirements contained in Part III of the Convention.

* * *

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

Convention No. 127: Maximum Weight, 1967

Algeria (ratification: 1969)

Further to its previous observations, the Committee notes from the Government's report 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 reports for a number of years now, have still not been adopted due to other priorities in legislative work in the field of labour. It

notes, however, the Government's statement that three texts in this field have been prepared and are before the authorities.

Once again the Committee can only urge the Government to make every effort to ensure that the draft texts mentioned above are adopted in the very near future, thus giving full effect to all the provisions of the Convention, both in the public and the private sector.

[The Government is asked to report in detail for the period ending 30 June 1986.]

Chile (ratification: 1972)

The Committee takes note of the Government's reply to its previous observation, particularly with regard to the application of Article 3 of the Convention.

Article 4. The Committee asks the Government to state how account is taken of the conditions in which the manual transport of loads is to be performed (for example, nature of the work, physiological characteristics, climatic conditions) in order to avoid jeopardising the health or safety of the worker, since the maximum weight of 80 kg for a load that can be transported by one worker established in the national legislation exceeds the limit provided for in the Maximum Weight Recommendation, 1967 (No. 128), which supplements the Convention.

Article 7. In its previous observation, the Committee observed that the national laws contained 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 less than that permitted for men, in accordance with the Convention. It noted, however, that the national law (sections 24 and 25 of Legislative Decree No. 2200 and sections 225 and 229 of Decree No. 655) established a general prohibition of the employment of women and young workers under 18 years of age on underground work and other dangerous and unhealthy work and also on work beyond their strength. It therefore asked the Government to state whether there was any ministerial decision or instruction establishing a list of prohibited work and occupations and whether the list included the manual transport of loads or indicated a weight considered to be excessive.

The Government states in its reply that this Article of the Convention is applied by the above-mentioned national provisions, which, according to the Government, prohibit young persons under 18 years of age and women from being employed in the manual transport of loads, and that no ministerial decision or order has therefore been issued to establish a list of prohibited work and occupations. The Committee is bound to observe that the general principle of prohibition contained in the provisions referred to, without explicit reference to the manual transport of loads, is not sufficient to ensure that the legislation gives full effect to this Article of the Convention. The Committee also observes that the Convention does not require that the employment of young persons under 18 years of age and women on the manual transport of loads shall be entirely prohibited,

but that the legislation shall explicitly limit their assignment to this work and that a maximum weight substantially less than that permitted for adult male workers shall be established for them. The Committee therefore again expresses the hope that the Government will be able to take the necessary measures to give full effect to this Article of the Convention and that in its next report it will indicate any progress made.

Italy (ratification: 1971)

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

The Committee notes with interest that the Ministry of Labour and Social Welfare has issued a circular dated 19 May 1983 to labour inspectors and to occupational organisations, as well as to other ministries, inviting them to apply the Convention to the sectors within their fields of competence. The Government is requested to provide information in the next report on the practical application of this circular.

Article 3 of the Convention. The Committee recalls that almost no measures have been adopted to apply the Convention. With regard to self-employed porters, according to information given to the Conference Committee in 1980, the Central Commission for Portage had issued directives limiting the weight such workers could carry. The Government has so far failed to communicate a copy of these directives, in spite of repeated requests. As concerns employed porters, the Government has also indicated that of 430 collective agreements examined, only two contain provisions on the weight which any worker may be required to carry (a limit of 100 kgs for port workers, and in the food industry additional pay for the transport of weights of 100 kgs). The Government has also failed to communicate copies of these provisions. The Government states further that manual labour in the transport of goods is now a thing of the past, and, at most, sporadic.

The Committee recalls, as it has on previous occasions, that the Convention does not apply only to workers whose exclusive duties are the transport of goods. According to Article 1(b) of the Convention, it also covers any activity "which normally includes, even though intermittently, the manual transport of loads." The Committee points out that most workers who perform manual labour, and many workers such as shop assistants, transport workers and others will from time to time be required to move loads manually. It therefore cannot but stress the need to adopt standards at the national level which cover all workers, as is explicitly required by this Convention.

Article 7. With regard to women workers, the Government has again stated that the principle of equal protection before the law would be violated by the adoption of lower limits on the weights that women workers may be required to transport. It again states that differentiation between men and women workers can be instituted only by collective agreement, and that the lack

of any need for such lower limits can be shown by the absence of any such provisions in the majority of collective agreements which have been concluded.

The Committee must recall its earlier statement that the measures required by Article 7 of the Convention do not infringe the principle of non-discrimination in respect of employment (as laid down in the earlier Discrimination (Employment and Occupation) Convention, 1958 (No. 111)), but are intended simply to protect the health of women workers, in the same way as that of the young workers who are also protected by this Article.

The Committee hopes that the Government will take the measures necessary to apply the Convention, and that it will communicate in its next report the provisions adopted for some workers, to which the Committee has referred previously.

Madagascar (ratification: 1971)

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

With reference to its earlier observations, the Committee 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.

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

Tunisia (ratification: 1970)

In its earlier comments, the Committee has taken note of the draft order to fix the maximum weight to be carried by one worker, which would give effect to Articles 1 to 4 and 7 of the Convention. It notes from the Government's last report that the order has not been adopted but will be re-examined shortly by a technical committee composed of the representatives of the departments concerned and then submitted to the employers' and workers' central organisations for opinion. The Committee again expresses the hope that this draft will be adopted very shortly and that the final text will be communicated with the next report.

Furthermore, the Committee notes that the Government's report contains no information on practical measures taken to give effect to

Article 5 (training of workers) and Article 6 (the use of technical devices for the transport of loads) of the Convention, information requested in its previous observation. It therefore requests the Government once more to furnish this information with the next report.

[The Government is asked to report in detail for the period ending 30 June 1986.]

* * *

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

Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967

Requests regarding certain points are being addressed directly to the following States: Austria, Bolivia, Uruguay.

Convention No. 129: Labour Inspection (Agriculture), 1969

Articles 26 and 27 of the Convention
(annual inspection reports)

The Committee refers to its general observation under Convention No. 81.

Denmark (ratification: 1972)

Article 20 of the Convention. The Committee refers to its observation under Convention No. 81, Article 15(a).

Finland (ratification: 1975)

See observation under Convention No. 81.

France (ratification: 1972)

The Committee notes the information transmitted by the Government in reply to its previous observation concerning the application of Article 14 of the Convention.

Articles 26 and 27. The Committee notes the Government's statement that the annual report on the work of the external services for agricultural labour and social protection for 1983 is being prepared. It hopes that this report will soon be transmitted to the Office and that in future annual reports, containing information on

all the points listed in Article 27 of the Convention, will be published within the time-limits set forth by Article 26.

Malawi (ratification: 1971)

Further to its direct requests made over a number of years, the Committee has noted the information provided by the Government in its report and requests the Government to supply information on the following points:

Article 16, paragraph 2, of the Convention. The Government has indicated that a labour inspector can visit any private dwelling place during the day for the purpose of inspection without any prior consent of the owner. The Committee requests the Government to indicate in its next report any measures taken or envisaged with a view to ensuring that labour inspectors shall not enter the private home of the operator of the undertaking except with the consent of the operator or with a special authorisation issued by the competent authority, in conformity with this provision of the Convention.

Article 19. The Committee notes the Government's statement that measures are under way to incorporate in the new Workmen's Compensation Act, which is in preparation, both the duty to notify occupational diseases (paragraph 1 of this Article) and provisions to give effect to paragraph 2 of this Article requiring that, as far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases. The Committee trusts that legislation giving full effect to these provisions of the Convention will be adopted in the near future, and requests the Government to keep it informed of progress in this connection.

Norway (ratification: 1971)

The Committee notes with satisfaction that the Working Environment Act was amended in 1985 and the scope of its provisions has been extended to agriculture, thus giving effect to Articles 16, paragraph 1(c)(iii) and 20(a) of the Convention (power of inspectors to take samples and prohibition of having any interest in the undertakings under their supervision) which was the subject of its earlier comments. The Committee requests the Government to supply, when they are adopted, the texts of the regulations referred to by the Government in its report, that will be adopted following the coverage of agricultural workers by the Working Environment Act.

Syrian Arab Republic (ratification: 1972)

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

The Committee notes from the report of the Government that the bill on relations in agriculture takes full account of its earlier comments, which related to the following points:

Article 16, paragraph 1(b), of the Convention: - right of inspectors to enter by day any premises which they may have reasonable cause to believe to be liable to inspection.

Article 16, paragraph 3: - obligation of inspectors, on the occasion of an inspection visit, to notify the employer or his representative, and the workers or their representatives, of their presence (unless they consider that such a notification may be prejudicial to the performance of their duties).

Article 19, paragraph 2: - association of inspectors with any inquiry into the causes of occupational accidents.

The Committee hopes that this bill, which the Government has been mentioning for several years, will be adopted shortly.

Yugoslavia (ratification: 1975)

Articles 19, paragraph 1, and 20(c) of the Convention. The Committee refers to its observation concerning Convention No. 81, Articles 14 and 15(c).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Burkina Faso, Colombia, Costa Rica, France, Guyana, Italy, Kenya, Madagascar, Malawi, Morocco, Netherlands, Portugal, Romania, Spain, Syrian Arab Republic, Uruguay.

Information supplied by the Federal Republic of Germany in answer to a direct request has been noted by the Committee.

Convention No. 130: Medical Care and Sickness Benefits, 1969

Costa Rica (ratification: 1972)

The Committee takes note of the conclusions of the report of the Committee set up by the Governing Body of the ILO to examine the representation made by various trade union organisations of Costa Rica, under article 24 of the Constitution of the ILO, alleging failure to comply with the Convention.

The Committee is addressing a request directly to the Government concerning various provisions of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Denmark, Luxembourg.

Convention No. 131: Minimum Wage Fixing, 1970

Bolivia (ratification: 1977)

Article 4, paragraphs 2 and 3 of the Convention. With reference to its earlier comments concerning the consultation of employers' organisations with regard to the minimum wage-fixing machinery, the Committee notes the Government's statements concerning the data taken as a basis for the fixing of these wages, and also concerning the consultations held with the employers' organisations.

The Committee also notes the efforts made by the Government to reconcile the different interests of the social partners with a view to fixing minimum wage rates, and would be grateful if the Government would indicate any progress achieved in this respect.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Brazil, Costa Rica, Guyana, Kenya, Libyan Arab Jamahiriya, Swaziland, Yemen.

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

Convention No. 132: Holidays with Pay (Revised), 1970

Requests regarding certain points are being addressed directly to the following States: Italy, Kenya, Luxembourg, Madagascar, Portugal.

Convention No. 134: Prevention of Accidents (Seafarers), 1970

Romania (ratification: 1975)

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

The Committee takes note of the information furnished by the Government in its report, particularly that concerning the measures that give effect to Article 6, paragraph 4, of the Convention. It observes, however, that this information contains no reply to the other precise questions that have been the subject of comments for a number of years. As in its report for 1982, the Government refers to certain provisions in laws and regulations applying to seafarers, but without enclosing the text.

In these circumstances, the Committee is obliged to ask once again the Government to indicate in detail for each of the Articles of the Convention the provisions of the legislation and regulations under which each Article is applied as required in Point II of the report form, and to supply especially the following:

- (a) copies or extracts of relevant reports of investigations and samples of statistics collected in accordance with the provisions of Article 2, as called for by the report form approved by the Governing Body;
- (b) a copy of the provisions for the protection of labour in maritime navigation, specifying those that give effect to Article 4, paragraphs 2 and 3, and Article 5 (measures for the prevention of accidents peculiar to maritime employment).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Denmark, France, Guinea, Israel, Nigeria.

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

Convention No. 135: Workers' Representatives, 1971

Finland (ratification: 1976)

The Committee notes the information supplied in the Government's report and the comments of the Central Organisation of Finnish Trade Unions (SAK) and the Confederation of Salaried Employees (TVK).

Article 1 of the Convention. The Committee notes with interest that the measures protecting workers and trade union representatives against dismissal have been supplemented by two further Acts which came into force on 1 September 1984: Act No. 124 on the procedure to be followed in connection with termination of the employment contract provides for the payment of compensation on illegal termination; and Act No. 125 to amend the Employment Contracts Act protects union or elected workers' representatives against dismissal on the transfer of an undertaking and obliges the employer to provide other tasks within the undertaking corresponding to the skills and experience of a workers' representative who had been illegally dismissed.

According to SAK and TVK, labour protection representatives should have the same protection against dismissal and job security as shop stewards and the same penalties should apply in cases of wrongful dismissal. They state that this reform should be secured urgently by the revision of the Labour Protection Act No. 131 of 1973. Secondly, SAK also states that the reform introduced by Act No. 125 does not eliminate the need to promote the protection of employees' representatives by means of both legislation and collective agreements.

On the first point, the Committee notes that the protection against dismissal already afforded by s. 17, para. 3, s. 37, para. 2(2) and s. 53, para. 2 of the Employment Contracts Act to workers' representatives, including labour protection representatives, would appear to be adequate, but that the penalties provision of the Employment Contracts Act is not applicable to labour protection representatives. The Committee hopes that the Government will

consider amending its legislation in order to secure uniform protection of workers' representatives.

As regards SAK's second comment on the importance of collective agreements, the Committee notes from the Government's past reports that collective agreements do exist to supplement the protection afforded by legislation. The Committee would, in any event, draw attention to Article 6 of the Convention which provides that effect may be given to the Convention through national laws or regulations or collective agreements.

Mexico (ratification: 1974)

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

The Committee notes that the 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.

Netherlands (ratification: 1975)

The Committee takes note of the comments of the Federation of Christian Trade Unions (CNV) concerning its preference for a legal framework for trade union work in enterprises, and that the CNV regrets that the parliamentary discussions of a bill on this subject have been suspended until mid-1986. The Committee is addressing a direct request to the Government on this matter.

Romania (ratification: 1975)

The Committee notes that the Government's report contains no information in reply to its previous comments. The Committee is therefore obliged to refer again to its previous observations 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 - would 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 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)

The Committee takes note of the Government's replies to its previous observations, as well as the information supplied to the Conference Committee in 1985, concerning progress in the adoption of new labour relations legislation, in particular that suitable amendments to the Industrial Disputes Act are now being pursued. The Committee again requests the Government to keep it informed of developments in the adoption of the amendments, which it hopes will take full account of Article 1 of the Convention, and to supply a copy of the new provisions once adopted.

The Committee notes with interest that Chapters XV, XXV and XXXI of the Establishments Code, 1985 (covering conditions of employment in the public service) contain detailed provisions for granting facilities to trade union members and officers in accordance with Article 2.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Guinea, Guyana, Jordan, Kenya, Netherlands, Yemen.

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

Convention No. 136: Benzene, 1971Côte d'Ivoire (ratification: 1972)

The Committee takes note of the report of the Government and of a draft decree to amend Decree No. 67-321 of 21 July 1967 codifying the regulations issued under the Labour Code in respect of special safety and health measures applying to establishments whose staff is exposed to benzene poisoning. This draft decree would give effect to Article 2, Article 6, paragraph 2, and Article 8, paragraph 1, of the Convention, which have been the subject of earlier comments by the Committee. The Committee hopes that this draft will be adopted shortly and that it will also take into account the following points, which the Committee has been raising for some years.

Articles 1 and 4. The Committee notes that the above-mentioned draft decree maintains the principle that the application of the provisions on the prevention of benzene poisoning (establishments and occupations covered; prohibition of use as a solvent or diluant) 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.

In its report the Government states that this principle has been kept in the legislation in order to take account of the situation at the present stage of development, at which it seems easier for a labour inspector, often lacking in equipment, to check the boiling

point rather than the benzene content, which calls for more sophisticated and more expensive apparatus.

The Committee observes that in practice, as the report of the Government shows, the method provided for by the national legislation ensures adequate protection against benzene poisoning, but hopes that it will in future be possible for the Government gradually to introduce the determination of the products containing benzene that the protective measures apply to on the basis of a rate of 1 per cent of benzene by volume, in order to give full effect to the Convention.

Article 11, paragraph 2. The Committee notes that section 3 of the above-mentioned draft decree provides that young persons under 18 years of age may be employed on work that may cause benzene poisoning, subject to special authorisation by a physician and on condition that they receive adequate technical training, whereas the Convention authorises their employment only for young persons undergoing education or training who are, moreover, under adequate technical supervision. The Committee hopes that amendments may be introduced in the wording of this section of the draft with a view to ensuring full conformity with the terms of the Convention.

* * *

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

Convention No. 138: Minimum Age, 1973

Requests regarding certain points are being addressed directly to the following States: German Democratic Republic, Honduras, Israel, Italy, Kenya, Libyan Arab Jamahiriya, Nicaragua, Norway, Rwanda, Yugoslavia.

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

Convention No. 139: Occupational Cancer, 1974

Guinea (ratification: 1976)

With reference to its previous observation, the Committee notes from the report of the Government that the revision of the national legislation on occupational safety and health is at present in progress with the assistance of the ILO.

The Committee hopes that the new legislation will be adopted shortly and that it will give effect to the Convention.

The Government is asked to indicate in its next report any progress made in this matter.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Egypt, Hungary, Italy, Nicaragua, Syrian Arab Republic, Uruguay.

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Guinea, Nicaragua.

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Ecuador, Guyana, Kenya, Philippines, Zambia.

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Brazil, Egypt, Guinea, Israel, Italy, Jordan, Kenya, Netherlands.

Convention No. 143: Migrant Workers (Supplementary Provisions), 1975

Sweden (ratification: 1982)

Further to its previous direct request, the Committee notes with satisfaction that section 96 of the Aliens Act, as amended by Act No. 595 of 1984, provides for sanctions against authors of manpower trafficking, in accordance with Articles 5 and 6 of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Cameroon, Guinea, Kenya, Sweden, Togo.

Convention No. 144: Tripartite Consultation (International Labour Standards) 1976

Bahamas (ratification: 1979)

The Committee takes note of the information transmitted by the Government to the Conference in 1985 and in its last report. The

Government states, in particular, that consultations have been held on two occasions in the Joint Advisory Committee - which the Minister may consult under the Act respecting industrial relations, in the field of labour relations - and that communications concerning ILO matters are transmitted to the organisations of employers and workers.

The Committee considers that true consultations should be held with the representative organisations of employers and workers frequently so that each of the questions referred to under Article 5, paragraph 1, of the Convention may be examined when this becomes necessary, and in conformity with the principle of "effective consultations" set forth in Article 2. A number of subjects (replies to questionnaires, submission to the competent authorities, reports to be made to the International Labour Office under article 22 of the Constitution of the Organisation) imply annual consultation, while other subjects (for example, proposals for the denunciation of ratified Conventions) do not need to be examined every year.

In these conditions, the Committee once again requests the Government to describe the measures that it has taken or that it envisages taking to hold such consultations. It requests the Government to supply detailed information concerning the consultations held during the period covered by the next report on the various questions listed under Article 5, paragraph 1, specifying the outcome of the consultations. It also requests the Government to transmit information on two other points that it repeated in a separate direct request.

Ireland (ratification: 1979)

The Committee takes note of the latest reports sent by the Government and of the information it communicated at the 71st (1985) Session of the Conference. The Committee notes in particular the information concerning the application of Article 6 of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Barbados, Costa Rica, Ecuador, Guyana, Nicaragua, Portugal, Suriname, Swaziland, Togo, Zambia.

Convention No. 145: Continuity of Employment (Seafarers), 1976

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Egypt, Finland, Italy, Portugal.

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

Convention No. 146: Seafarers' Annual Leave with Pay, 1976Italy (ratification: 1980)

The Committee has noted the comments presented by the Maritime Federation FEDERMAR concerning the application of the Convention.

1. FEDERMAR states that the collective agreement of 20 December 1984, signed by trade union organisations on the occasion of the renewal of the embarkation contract for maritime personnel and countersigned by the Minister of the Merchant Marine, fixed the date of 1 January 1985 for the application of the Convention. FEDERMAR points out that the Convention came into force for Italy 12 months following its ratification, that is, on 28 July 1982. FEDERMAR also points out that some seafarers have sought relief through the courts to obtain the application of the Convention with effect from 28 July 1982. In additional comments, the Federation forwarded a copy of a judgment of the Labour Court for the Palermo jurisdiction, dated 16 October 1985, ruling that the paid annual leave afforded under the Convention was effective from 29 July 1982 and awarding the corresponding difference in payment provided for by the collective agreements to the complainant seafarers. The Committee notes this judgment with interest and recalls that, under Article 16 of the Convention, the instrument enters into force for each member State 12 months after the date on which its ratification has been registered, that is, for Italy, on 28 July 1982.

2. Furthermore, FEDERMAR states that, although the collective agreement of 30 December 1984 has provided that Sundays and other public holidays shall not be counted as part of the annual leave, it has failed to make a similar provision concerning Saturdays. Previously, Saturdays worked on board had given entitlement either to compensatory shore leave or to compensatory payment. FEDERMAR also states that the increase of the leave period from 26 to 30 days has been achieved by incorporating in it a public holiday which had been abolished, in return for a payment equivalent to that of a day's work. The Federation believes that these practices are not in conformity with Article 3, paragraphs 3 and 6, of the Convention.

The Committee notes that the comments made by FEDERMAR were communicated to the Government on 10 October 1985 for any comments the latter might wish to make. It hopes that the Government will forward its comments together with a copy of the collective agreement of 20 December 1984 so as to enable the Committee to undertake a full examination of the matter at its next session.

Convention No. 147: Merchant Shipping (Minimum Standards), 1976Greece (ratification: 1979)

Article 2(a) (i) of the Convention. Further to its observation of 1983, the Committee notes with satisfaction that Presidential Decree No. 264 of 4 July 1984 amended Presidential Decree No. 535 of 1978, which had been the object of comments by the Panhellenic Union

of Merchant Marine Engineers (PEMEN). Under section 3(1) of Decree No. 535, as amended, candidates for certificates of competency to exercise the duties of officers and engineer officers on watch are required to pass an examination in accordance with Articles 3 and 4 of the Officers' Competency Certificates Convention, 1936 (No. 53), which appears in the Appendix to Convention No. 147.

United Kingdom (ratification: 1980)

The Committee has taken note of the Government's report and of the comments submitted thereon on 29 January 1986 by the Trades Union Congress (TUC), which were forwarded to the Government for its observations. It has noted that the Government intends to provide a full reply as soon as possible, after consideration of the points raised in these comments.

The Committee will therefore consider the comments of the TUC, together with the reply of the Government, at its next session.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Denmark, France, Greece, Italy, Liberia, Norway, Spain, United Kingdom.

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

**Convention No. 148: Working Environment (Air Pollution, Noise and Vibration),
1977**

Spain (ratification: 1980)

The Committee notes the information furnished by the Government in reply to its previous direct request and of the comments made by the General Union of Workers (UGT) and the Spanish Confederation of Employers' Organisations (CEOE).

Article 8 of the Convention. The CEOE in its comments calls for a comprehensive and urgent updating of the technical criteria for determining the permissible levels of exposure to chemical and physical pollutants, in accordance with recognised international criteria, since the Spanish legislation is out of date and so worded as to be difficult to apply. The UGT observes that the only exposure limit fixed by law for an occupational risk after consultation of this trade union, is laid down in the regulations on work involving risks from asbestos approved by the Ministerial Order of 31 October 1984.

The Government states in its report that in addition to the approval of the regulations referred to, it intends to adapt the national legislation in this field more closely to international standards and is at present studying various draft provisions for the prevention of occupational risks to workers due to the presence of toxic substances in the working environment, particularly the presence

of lead and its inorganic compounds, light aromatic hydrocarbons and chromium and its compounds, as well as provisions on working conditions in hot surroundings. It is also studying the amendment and updating of the chapter on noise and vibration in the General Ordinance on Occupational Safety and Health.

The Committee notes this information and hopes that the drafts referred to will be adopted in the near future in consultation with the most representative employers' and workers' organisations concerned, in accordance with Article 5 of the Convention. It asks the Government to indicate the progress made in this field, giving details of the criteria established and specifying how account is taken of increases in any class of occupational risks resulting from simultaneous exposure to several harmful factors at the workplace. It also requests the Government to state what provisions in the national legislation ensure that the criteria and exposure limits established are supplemented and revised regularly in the light of current national and international knowledge and data.

Article 9. According to the UGT, no provision has been made for any kind of technical measures for new plant or processes or for those already existing, nor for the organisation of work with a view to eliminating any hazard due to air pollution or noise.

The Committee points out that, under Article 9 of the Convention, as far as possible every hazard covered by the Convention must be eliminated through technical measures or supplementary organisational measures. The Committee notes that certain measures are prescribed in sections 30 and 31 of the General Ordinance on Occupational Safety and Health. Bearing in mind the comments of the UGT, it asks the Government to supply information on the practical application of these measures. The Committee also hopes that any other measure that may be necessary will be specified in the above-mentioned draft provisions or by any other method in conformity with national practice and conditions with a view to giving full effect to the present Article of the Convention.

Article 13. The UGT states in its comments that the workers are not adequately and suitably informed of existing occupational hazards in the working environment and that they are generally denied the right to know what chemicals they are handling and what risks these involve for their health. It adds that the technical reports prepared by the National Institute for Occupational Safety and Health are not furnished directly to the workers, the safety and health committee or the trade union section asking for them. The Committee notes that, under Article 13 of the Convention, all persons concerned must be informed of the occupational risks and instructed in measures of prevention. It hopes that the Government will take the necessary steps to guarantee the practical application of this provision of the Convention, which is already covered by the legislation.

Point IV of the report form. The Committee notes the statistics furnished by the Government on the causes of industrial accidents and occupational diseases and requests the Government to continue to furnish such information as well as general information on the application of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Brazil, Costa Rica, Cuba, Ecuador, Finland, Guinea, Norway, Portugal, Sweden, United Kingdom.

Convention No. 149: Nursing Personnel, 1977

Requests regarding certain points are being addressed directly to the following States: Finland, Guyana, Iraq, Philippines, Poland, Sweden, Uruguay.

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

Convention No. 150: Labour Administration, 1978

Article 8 of the Convention. The Committee has noted with the greatest interest the practice of certain countries who participate actively, both through ILO programmes and bilaterally, in activities of international technical co-operation aimed at the development of labour administration institutions and services and the training of their staff. The Committee finds these efforts in principle generally supportive of the implementation of the Convention, and - in the light of Point V of the report form for this Convention - would be glad to receive from all governments concerned (on the occasion of their future reports) information on their participation in this kind of experience and their views about measures taken or intended to be taken to foster implementation of the Convention by means of such international co-operation.

Switzerland (ratification: 1981)

The Committee notes with satisfaction the information and very full supporting documentation supplied by the Government in reply to its direct request of 1984. This information enables the Committee to gain a detailed perception of the structures, activities and means of labour administration, both at the federal level and for all the 26 cantons and demi-cantons. The Committee notes with particular interest the efforts undertaken by the competent bodies of the labour administration system, firstly to integrate into the economic and social context the measures concerning employment market policy and, secondly, to understand and examine more deeply the various problems concerning the policy to be followed in the vast field of the employment market. It also notes a number of measures decreed by the State (for example, measures known under the name of "contrat type" or model employment contracts) so that the labour administration covers the greatest possible number of workers (Article 7 of the Convention).

The Committee welcomes the intention, stated by the Government in its report, of continuing to supply it in the future with all useful and published information, and expresses the hope of continuing to

receive such information regularly. The Committee stresses the importance that it gives to such information which enables it to follow the implementation of the Convention over a long period.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Cyprus, Guinea, Guyana, Portugal, Spain, Suriname, Switzerland.

Information supplied by Denmark and the Federal Republic of Germany in answer to a direct request has been noted by the Committee.

Convention No. 151: Labour Relations (Public Service), 1978

Cyprus (ratification: 1981)

The Committee takes note of the Government's report and its reply to the 1985 Conference Committee concerning the comments made by the Cyprus Civil Servants Trade Union (PASDYD) on the application of Articles 7 and 8 of the Convention.

In particular, the Committee notes that, according to the Government, refusal or amendment of public service collective agreements - which are negotiated freely within Joint Committees - by the Parliament is very plainly in conformity with the Constitution which limits expenditure to the budget voted by the House of Representatives.

The Committee would point out that, while Article 7 of the Convention allows a certain flexibility in the methods of negotiation of terms and conditions of employment of public employees, the reservation of budgetary powers to the legislative authority should not have the effect of preventing compliance with collective agreements entered into by, or on behalf of, public bodies.

In its 1983 General Survey [para. 313] the Committee pointed out that, rather than subject the validity of collective agreements to government approval, steps should be taken 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. To achieve this, the considerations should be widely discussed by all parties at the national level, and a delay for the entry into force of a collective agreement might be prescribed so as to allow the advice of an appropriate consultative body to be sought.

The Committee accordingly hopes that discussions on the general interest - including budget restraints - will take place so that refusal or amendment by Parliament of freely concluded public sector collective agreements will not be necessary in the future. The Committee requests the Government to keep it informed of any developments in the area of public sector collective bargaining.

Denmark (ratification: 1981)

The Committee notes the information contained in the Government's report and the conclusions reached by the Governing Body Committee on Freedom of Association, in February 1986, in Case No. 1338 (243rd Report, paras. 209 to 247).

In particular, the Committee notes that Act No. 123 of 31 March 1985 (covering both the private and public sectors) extends for two years all collective agreements and other agreements expiring before 1 April 1986 (s. 1) and fixes overall limits of 2 per cent and 1.5 per cent, respectively, for the first and the second years of suspension of collective bargaining (section 2).

1. The Committee has noted the information provided by the Government as to the circumstances which preceded the enactment of Act No. 123, but observes that one of its principal effects is to render collective bargaining in the public [and private] sectors impossible for the period of two years by which collective agreements have been extended. It therefore draws the Government's attention to the terms of Article 7 of the Convention, that measures appropriate to national conditions must be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations.

2. The Committee notes that the legislation appears to have been designed both to end any industrial action which was taking place and to prohibit further industrial action which might occur, in both the private and public sectors, for the period by which the operation of collective agreements has been statutorily extended. The Committee would also draw the attention of the Government to the terms of Article 8 of the Convention which provides that the settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

The Committee considers that the adoption of Act No. 123 was not in conformity with the provisions of these Articles of the Convention. It would express the hope that the Government will actively seek, through negotiation with the parties concerned, to restore a situation in which questions concerning the negotiation of terms and conditions of work and the settlement of disputes may be dealt with in full accordance with the Convention.

See also under Conventions Nos. 87 and 98.

Finland (ratification: 1980)

The Committee takes note of the comments of the Central Organisation of Finnish Trade Unions (SAK) on the preparation of an Act to amend the 1943 Act on collective bargaining in the public sector the provisions of which, in its opinion, should be equivalent

to those applied in the private sector as far as the rights to collective bargaining and industrial action are concerned.

The Committee requests the Government to inform it of developments concerning the preparation of any such draft legislation.

Guinea (ratification: 1982)

The Committee takes note of the Government's first report.

Article 5 of the Convention. The Committee observes that Ordinance No. 075/PRG of 27 March 1985 to set up a Secretariat of State for Labour, in particular sections 4 and 25, places the National Confederation of Workers of Guinea (CNTG) - which covers workers in the private and public sectors - under the supervision of this Secretariat. The Committee refers to the comments it is making on this interference by the public authorities in the context of Article 3 of Convention No. 87 and trusts that this Ordinance will soon be repealed, as is indicated in the Government's first report.

Peru (ratification: 1980)

The Committee takes note of the Government's reply to its previous observation in which it took note of comments by the Central Union of Workers in the Peruvian Institute of Social Security concerning the application of Articles 4 and 7 of the Convention. It also notes with interest the information supplied concerning the protection of public employees against acts of anti-union discrimination and on disputes resolution machinery (covered by section 295 of the Constitution and section 36 of Legislative Decree No. 276).

The Committee notes that, by Ministerial Resolution No. 0051-85-PCM of 29 March 1985, a joint commission has been set up to examine the comments made by the Committee on section 44 of Legislative Decree No. 276 of 24 March 1984 (prohibiting negotiation of matters implying increases in remuneration or which modify the unified remuneration system for the public service). The Committee trusts that this commission - composed, amongst others, of a representative of the Peruvian Institute of Social Security and four representatives of public sector trade union organisations - will fully bear in mind the terms of Article 7 in its deliberations. It requests the Government to inform it of the results of the commission's deliberations.

As regards section 28(k) of Legislative Decree No. 276, the Committee notes the Government's explanation that the introduction of three consecutive days' unjustified absence as a ground for disciplinary sanctions or dismissal was designed to harmonise public sector conditions of work with those already pertaining to the private sector. The Committee notes that this provision is one of several listed in the legislation as subject to administrative proceedings and does not consider that it calls into question the principles of Article 4 of the Convention.

The Committee also notes that the Government makes reference in its report to a committee responsible for the revision of the standards relating to the exercise of trade union rights; it requests the Government to indicate whether this is the same committee referred to by the Government in its reports under Conventions Nos. 87 and 98 in 1985 and, in any case, to keep the Committee of Experts informed of any recommendations made by this body.

Portugal (ratification: 1981)

The Committee notes with interest the information supplied by the Government on its previous comment, in particular that under Legislative Decree No. 45-A/84, negotiations take place 'with representative, registered public employees' organisations which, in practice, have long been grouped into the following representative organisations: Trade Union Negotiating Committee (CNS-CGTP-IN), Federation of State Employers (FESAP-UGT) and Union of Technical State Employees (STE).

United Kingdom (ratification: 1980)

The Committee takes note of the Government's report and the comments made by the Trades Union Congress (TUC) in a communication dated 30 January 1986 and transmitted to the Government for its observations on 11 February 1986. The TUC's comments - prepared in consultation with the Council of Civil Service Unions - relate to Articles 1, 4, 6, 8 and 9 of the Convention.

The Committee notes that in a letter dated 19 February 1986 the Government states its intention to reply fully to the TUC's comments at the earliest possible moment. The Committee hopes that full information will be provided by the Government so that the Committee may examine, at its next session, the issues raised by the TUC.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Finland, Guinea, Guyana, United Kingdom, Zambia.

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

Convention No. 152: Occupational Safety and Health (Dock Work), 1979

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

Convention No. 154: Collective Bargaining, 1981

Requests regarding certain points are being addressed directly to the following States: Norway, Sweden, Switzerland.

Convention No. 155: Occupational Safety and Health, 1981

Requests regarding certain points are being addressed directly to the following States: Cuba, Sweden.

Convention No. 156: Workers with Family Responsibilities, 1981

Norway (ratification: 1982)

Articles 2 and 4(b) of the Convention. Further to its previous direct request, the Committee notes with satisfaction that under Acts Nos. 57 and 58 of 7 June 1985, the Working Environment Act No. 4 of 1977, which provides, inter alia, the right to take leave in order to care for children and the right to reduced working hours in view of family responsibilities, has been made applicable to agriculture and civil aviation.

Article 8. The Committee also notes with satisfaction that Section 13 of the Seamen's Act of 1975, as amended by the Act of 30 May 1985, now forbids the dismissal of a woman employee on account of pregnancy, and entitles pregnant female employees to obtain another job ashore from the shipping company or to take leave of absence.

The Committee is addressing a direct request to the Government regarding other points.

* * *

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

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
as at 19 March 1986**

(Article 22 of the Constitution)

Reports requested: 1,666 Reports received: 1,312 Reports not received: 354

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	6	100, 105, 137, 139, 141, 142	2	41, 45	8
Algeria	12	6, 13, 17, 29, 32, 42, 81, 88, 89, 100, 105, 127	0	—	12
Angola	13	6, 12, 17, 18, 27, 29, 45, 81, 88, 89, 100, 105, 108	0	—	13
Antigua and Barbuda	11	11, 12, 17, 29, 81, 87, 98, 105, 108, 111, 138	0	—	11
Argentina	16	2, 12, 17, 19, 29, 41, 42, 45, 68, 79, 81, 88, 90, 98, 100, 105	0	—	16
Australia	8	12, 29, 42, 45, 81, 88, 100, 105	0	—	8
Austria	14	6, 12, 17, 29, 42, 45, 81, 88, 89, 100, 105, 135, 141, 142	0	—	14
Bahamas	9	12, 17, 29, 42, 45, 81, 88, 105, 144	0	—	9
Bahrain	2	81, 89	1	29	3
Bangladesh	10	18, 27, 29, 45, 81, 89, 90, 105, 107, 149	1	96	11
Barbados	11	12, 17, 29, 42, 81, 90, 100, 105, 108, 135, 144	0	—	11
Belgium	11	6, 12, 29, 45, 81, 88, 89, 100, 105, 121, 147	0	—	11
Belize	8	12, 42, 81, 88, 89, 99, 105, 108	0	—	8
Benin	10	6, 11, 18, 29, 41, 85, 98, 100, 105, 143	1	87	11
Bolivia	12	20, 45, 81, 88, 89, 90, 100, 102, 106, 121, 129, 131	0	—	12

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Brazil	14	6, 12, 29, 42, 45, 88, 89, 100, 105, 108, 127, 131, 142, 148	0	—	14
Bulgaria	12	6, 12, 17, 29, 42, 45, 79, 81, 100, 108, 127, 138	0	—	12
Burkina Faso	0	—	10	6, 17, 18, 29, 41, 81, 87, 100, 129, 135	10
Burma	5	2, 6, 17, 29, 42	0	—	5
Burundi	9	12, 17, 29, 42, 81, 89, 90, 94, 105	0	—	9
Byelorussian SSR	8	29, 45, 79, 90, 100, 138, 142, 149	0	—	8
Cameroon	20	3, 9, 11, 29, 45, 81, 87, 89, 90, 94, 97, 98, 100, 105, 108, 122, 131, 135, 143, 146	0	—	20
Canada	4	88, 100, 105, 108	0	—	4
Cape Verde	5	17, 29, 81, 98, 100	1	105	6
Central African Republic	0	—	12	2, 6, 17, 18, 29, 41, 67, 81, 87, 88, 100, 105	12
Chad	6	6, 29, 41, 81, 100, 105	0	—	6
Chile	11	2, 6, 12, 17, 18, 29, 34, 45, 100, 111, 127	0	—	11
China	1	45	0	—	1
Colombia	13	2, 4, 6, 12, 17, 18, 29, 81, 88, 100, 105, 107, 129	0	—	13
Comoros	9	6, 12, 17, 29, 42, 81, 89, 100, 105	0	—	9
Congo	4	6, 29, 87, 89	0	—	4
Costa Rica	17	14, 29, 45, 81, 88, 89, 90, 100, 105, 127, 129, 134, 135, 137, 145, 147, 148	0	—	17
Côte-d'Ivoire Republic of	0	—	10	6, 18, 29, 41, 45, 85, 100, 105, 135, 136	10

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Cuba	18	12, 17, 29, 42, 45, 79, 81, 88, 89, 90, 100, 105, 108, 135, 141, 148, 151, 155	0	—	18
Cyprus	11	29, 45, 81, 88, 89, 90, 105, 121, 141, 150, 151	0	—	11
Czechoslovakia	11	12, 17, 29, 42, 45, 88, 89, 90, 100, 136, 142	0	—	11
Democratic Yemen	3	29, 98, 105	0	—	3
Denmark	21	6, 12, 27, 29, 42, 73, 81, 88, 98, 100, 105, 108, 129, 134, 135, 141, 142, 147, 149, 150, 151	0	—	21
Djibouti	0	—	16	6, 12, 17, 18, 29, 35, 37, 38, 45, 81, 88, 89, 100, 105, 108, 122	16
Dominica	0	—	13	11, 12, 26, 29, 81, 87, 97, 98, 100, 105, 108, 111, 138	13
Dominican Republic	12	26, 29, 45, 77, 79, 81, 88, 89, 90, 95, 100, 105	0	—	12
Ecuador	15	29, 45, 77, 78, 81, 88, 100, 105, 110, 114, 121, 127, 141, 148, 149	0	—	15
Egypt	18	2, 17, 18, 22, 23, 29, 45, 81, 88, 89, 94, 100, 105, 135, 137, 145, 147, 149	0	—	18
El Salvador	3	12, 105, 107	0	—	3
Ethiopia	3	2, 87, 88	0	—	3
Fiji	6	12, 29, 45, 85, 105, 108	0	—	6
Finland	19	2, 12, 29, 45, 81, 100, 105, 108, 121, 129, 135, 141, 147, 148, 149, 151, 152, 154, 156	0	—	19
France	12	6, 12, 17, 29, 42, 89, 100, 108, 111, 135, 145, 147	7	45, 81, 88, 105, 127, 129, 134	19
Gabon	9	6, 12, 29, 41, 45, 81, 100, 105, 135	0	—	9
German Democratic Republic	7	45, 100, 108, 127, 135, 138, 142	0	—	7

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Germany, Federal Republic of	14	12, 29, 45, 81, 88, 100, 105, 121, 129, 135, 141, 142, 147, 150	0	—	14
Ghana	13	29, 30, 45, 81, 88, 89, 90, 92, 100, 105, 108, 111, 119	2	50, 64	15
Greece	19	2, 17, 29, 42, 45, 73, 77, 78, 81, 88, 89, 90, 100, 103, 105, 106, 108, 124, 147	0	—	19
Grenada	0	—	10	5, 10, 11, 12, 16, 29, 81, 97, 105, 108	10
Guatemala	12	45, 79, 81, 87, 88, 89, 90, 98, 100, 105, 108, 127	0	—	12
Guinea	31	3, 11, 13, 29, 45, 81, 87, 89, 90, 94, 98, 99, 100, 105, 111, 112, 115, 118, 119, 120, 121, 122, 134, 135, 139, 140, 142, 143, 148, 150, 151	3	26, 149, 152	34
Guinea-Bissau	0	—	13	6, 12, 17, 18, 29, 45, 81, 88, 89, 100, 104, 105, 108	13
Guyana	23	2, 12, 29, 42, 45, 64, 81, 100, 105, 108, 129, 131, 135, 136, 137, 139, 140, 141, 142, 144, 149, 150, 151	0	—	23
Haiti	9	12, 17, 29, 42, 45, 81, 90, 100, 105	0	—	9
Honduras	8	27, 42, 45, 81, 87, 105, 108, 138	2	29, 100	10
Hungary	10	2, 6, 12, 17, 29, 42, 45, 100, 135, 139	0	—	10
Iceland	11	2, 11, 29, 58, 87, 91, 98, 100, 105, 108, 111	1	102	12
India	10	5, 29, 42, 45, 81, 88, 89, 90, 100, 141	0	—	10
Indonesia	2	29, 100	1	45	3
Iran, Islamic Republic of . . .	1	100	4	29, 105, 108, 111	5

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Iraq	10	17, 29, 42, 81, 88, 89, 100, 105, 122, 135	1	149	11
Ireland	10	6, 12, 29, 81, 88, 100, 105, 108, 121, 142	1	45	11
Israel	12	29, 79, 81, 88, 90, 100, 105, 134, 136, 138, 141, 142	0	—	12
Italy	24	2, 11, 12, 32, 42, 45, 74, 79, 81, 89, 90, 100, 108, 127, 129, 132, 134, 135, 136, 138, 139, 141, 145, 147	3	29, 105, 142	27
Jamaica	3	65, 87, 105	8	16, 29, 58, 81, 98, 100, 111, 122	11
Japan	8	2, 29, 45, 81, 88, 100, 121, 147	0	—	8
Jordan	0	—	7	29, 81, 100, 105, 119, 135, 142	7
Democratic Kampuchea . . .	0	—	5	4, 6, 13, 29, 122	5
Kenya	9	2, 12, 17, 29, 45, 88, 89, 99, 105	11	81, 98, 129, 131, 132, 135, 137, 138, 141, 142, 143	20
Kuwait	4	29, 81, 89, 105	0	—	4
Lao People's Democratic Republic	1	13	3	4, 6, 29	4
Lebanon	0	—	21	1, 14, 15, 17, 29, 30, 45, 59, 81, 88, 89, 90, 98, 100, 105, 111, 115, 120, 122, 127, 131	21
Lesotho	5	26, 29, 45, 87, 98	1	11	6
Liberia	0	—	7	29, 55, 65, 104, 105, 108, 147	7
Libyan Arab Jamahiriya	20	1, 29, 81, 88, 89, 96, 98, 100, 102, 103, 104, 105, 111, 118, 121, 122, 128, 130, 131, 138	0	—	20

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Luxembourg	10	12, 29, 45, 79, 81, 90, 100, 105, 121, 135	3	2, 28, 88	13
Madagascar	0	—	13	6, 12, 29, 41, 81, 87, 100, 111, 120, 122, 127, 129, 132	13
Malawi	11	11, 12, 45, 81, 89, 97, 98, 99, 100, 111, 129	1	26	12
Malaysia	5	29, 81, 88, 98, 105	0	—	5
Peninsular Malaysia	3	12, 17, 45	0	—	3
Sabah	0	—	0	—	0
Sarawak	1	12	0	—	1
Mali	8	6, 17, 18, 29, 41, 81, 100, 105	0	—	8
Malta	10	2, 12, 29, 42, 81, 87, 88, 89, 105, 108	0	—	10
Mauritania	9	17, 18, 22, 26, 84, 89, 90, 94, 111	5	29, 81, 87, 102, 122	14
Mauritius	11	12, 17, 26, 29, 32, 42, 64, 65, 81, 105, 108	1	2	12
Mexico	0	—	12	12, 17, 29, 42, 45, 90, 100, 105, 108, 115, 135, 141	12
Mongolia	3	98, 100, 123	0	—	3
Morocco	12	2, 12, 17, 29, 41, 42, 45, 81, 100, 105, 129, 147	1	122	13
Mozambique	5	17, 81, 88, 100, 105	1	18	6
Nepal	1	100	0	—	1
Netherlands	14	12, 29, 45, 81, 88, 90, 100, 105, 121, 129, 135, 141, 142, 147	0	—	14
New Zealand	10	12, 17, 29, 42, 45, 69, 81, 100, 105, 111	1	88	11
Nicaragua	24	2, 4, 6, 12, 17, 18, 29, 45, 63, 77, 78, 88, 100, 105, 115, 117, 122, 127, 135, 136, 137, 138, 139, 140	2	110, 141	26
Niger	4	81, 102, 111, 119	11	6, 11, 18, 26, 29, 41, 87, 98, 100, 105, 135	15

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Nigeria	4	45, 81, 88, 100	3	29, 105, 134	7
Norway	23	12, 16, 29, 42, 81, 88, 90, 100, 105, 108, 113, 129, 135, 138, 141, 144, 147, 148, 151, 152, 154, 155, 156	0	—	23
Pakistan	0	—	8	18, 29, 45, 81, 89, 90, 96, 105	8
Panama	18	9, 12, 15, 17, 29, 32, 42, 45, 81, 88, 89, 100, 108, 110, 111, 122, 125, 127	8	22, 53, 64, 68, 92, 94, 105, 126	26
Papua New Guinea	7	7, 10, 11, 12, 19, 42, 45	9	2, 26, 27, 29, 85, 98, 99, 105, 122	16
Paraguay	10	29, 79, 81, 87, 89, 90, 98, 100, 105, 120	0	—	10
Peru	12	29, 41, 45, 56, 68, 71, 79, 81, 88, 100, 105, 151	3	12, 90, 107	15
Philippines	9	17, 88, 89, 90, 98, 100, 105, 141, 149	0	—	9
Poland	17	2, 12, 17, 29, 42, 45, 79, 87, 90, 100, 105, 127, 134, 135, 142, 149, 151	0	—	17
Portugal	29	6, 12, 17, 18, 26, 29, 45, 63, 77, 78, 81, 88, 89, 95, 100, 105, 108, 111, 117, 120, 129, 131, 132, 135, 142, 145, 148, 150, 151	0	—	29
Qatar	0	—	2	81, 111	2
Romania	9	6, 81, 88, 100, 108, 127, 129, 134, 135	3	29, 87, 89	12
Rwanda	8	12, 17, 42, 81, 89, 100, 123, 138	2	94, 105	10
Saint Lucia	0	—	12	12, 17, 29, 50, 64, 65, 97, 98, 100, 105, 108, 111	12
Sao Tome and Principe	5	17, 81, 88, 100, 111	1	18	6
Saudi Arabia	7	29, 45, 81, 89, 90, 100, 105	0	—	7
Senegal	6	6, 29, 81, 100, 105, 121	4	12, 89, 98, 135	10
Seychelles	8	2, 7, 26, 29, 58, 99, 105, 108	0	—	8

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Sierra Leone	7	17, 29, 59, 88, 100, 125, 126	5	45, 81, 105, 111, 119	12
Singapore	9	5, 8, 12, 29, 32, 45, 65, 81, 88	0	—	9
Somalia	0	—	6	17, 22, 29, 45, 85, 105	6
Spain	19	12, 17, 29, 42, 45, 79, 81, 88, 89, 90, 100, 105, 108, 127, 129, 135, 141, 147, 148	0	—	19
Sri Lanka	8	18, 29, 45, 81, 90, 95, 106, 135	1	96	9
Sudan	6	2, 19, 29, 81, 100, 105	1	122	7
Suriname	11	17, 29, 41, 42, 81, 87, 88, 105, 135, 150, 151	0	—	11
Swaziland	19	11, 12, 26, 45, 81, 87, 89, 90, 94, 96, 98, 99, 100, 101, 105, 111, 123, 131, 144	1	29	20
Sweden	20	12, 29, 81, 88, 105, 108, 121, 129, 135, 141, 143, 145, 147, 148, 149, 151, 152, 154, 155, 156	1	100	21
Switzerland	14	2, 6, 18, 29, 45, 81, 88, 89, 100, 105, 141, 150, 151, 154	0	—	14
Syrian Arab Republic	6	2, 29, 45, 87, 89, 105	8	17, 18, 81, 88, 100, 129, 135, 139	14
Tanzania, United Republic of	7	12, 17, 29, 105, 131, 135, 148	7	134, 137, 140, 142, 144, 149, 152	14
Tanganyika	4	45, 81, 88, 108	0	—	4
Zanzibar	1	85	0	—	1
Thailand	4	29, 88, 105, 127	0	—	4
Togo	9	6, 29, 41, 85, 98, 100, 111, 143, 144	0	—	9
Trinidad and Tobago	0	—	4	29, 85, 105, 125	4
Tunisia	20	11, 12, 17, 18, 29, 45, 81, 88, 89, 90, 98, 99, 100, 105, 108, 112, 113, 119, 120, 127	2	8, 73	22
Turkey	8	42, 45, 81, 88, 100, 105, 118, 127	0	—	8
Uganda	6	12, 29, 45, 81, 105, 143	2	17, 122	8

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ukrainian SSR	9	29, 45, 79, 90, 100, 108, 138, 142, 149	0	—	9
USSR	9	29, 45, 79, 90, 100, 108, 138, 142, 149	0	—	9
United Arab Emirates	2	29, 89	1	81	3
United Kingdom	20	2, 12, 17, 29, 42, 45, 81, 85, 88, 98, 100, 102, 105, 108, 135, 141, 142, 147, 148, 151	0	—	20
Uruguay	10	79, 81, 90, 105, 108, 118, 121, 129, 139, 149	0	—	10
Venezuela	8	2, 6, 41, 45, 87, 100, 105, 118	20	22, 29, 81, 88, 97, 102, 111, 117, 121, 122, 128, 130, 139, 140, 141, 143, 144, 149, 150, 153	28
Yemen	8	29, 81, 87, 98, 100, 111, 131, 135	0	—	8
Yugoslavia.	16	12, 29, 45, 81, 88, 89, 90, 100, 121, 129, 131, 135, 138, 140, 142, 148	0	—	16
Zaire	7	12, 29, 81, 88, 89, 100, 121	0	—	7
Zambia	4	105, 123, 141, 151	11	12, 17, 18, 29, 45, 89, 100, 135, 144, 148, 149	15
<i>Other States</i>					
Albania ¹	0	—	14	6, 10, 11, 16, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	14
Nauru	0	—	5	19, 27, 29, 42, 105	5
South Africa ¹	4	2, 42, 45, 89	0	—	4
Western Samoa.	0	—	2	14, 29	2

¹ Albania and South Africa have withdrawn from the ILO, but these States continue to be bound by the Conventions which they have ratified (article 1, paragraph 5, of the Constitution).

Appendix II. Statistical Table of Reports received on Ratified Conventions as at 19 March 1986

(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	1 558	89.6
-1984	1 669	189	11.3	1 286	77.0	1 412	84.6
-1985	1 666	189	11.3	1 312	78.7	—	—

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

Australia

The Committee notes that the reports due on the application of Conventions in the Norfolk Islands have not been received. It trusts that the reports in question will be available for examination by the Committee at its next session.

Denmark

The Committee notes that for the fourth year in succession none of the reports due in respect of the application of Conventions in the Faeroe Islands have been received (including the first report on Convention No. 27 which has been due for three years). It notes with interest that following a statement made by a government representative to the Conference Committee in 1985, the Government has requested the ILO to provide assistance to the Faeroe Islands authorities and that advisory services will be made available by the Office. The Committee consequently hopes that the Government will be in a position to supply all the reports due.

New Zealand

The Committee notes with regret that for the fifth year in succession the reports due on the application of Conventions in the Cook Islands have not been received and that this year the reports also due in respect of the Niue Islands have not been received. The Committee trusts that the reports in question will be available for examination by the Committee at its next session.

B. INDIVIDUAL OBSERVATIONS

Convention No. 3: Maternity Protection, 1919France

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

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

The Committee notes with regret that for the fourth consecutive year the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the following matter raised in its previous comments:

Article 2 of the Convention. In its previous comments, the Committee has pointed out that the restriction to citizens of the Farøe Islands (or even of Denmark or of Greenland) of the unemployment indemnity in case of shipwreck provided for by sections 41 and 80 of the Act of 3 November 1967 is not in conformity with the Convention, which recognises no distinction based on nationality.

In its report for 1976-78, the Government stated that an amendment could be introduced to this Act at the next session of the Faroese Representative Council. The Committee still hopes that the amendment will be adopted, so that the legislation of this territory shall no longer make a distinction - in respect of unemployment indemnity in case of shipwreck - between Faroese, Danish and Greenland seafarers on the one hand and citizens of other countries engaged to serve on board vessels flying the flag of the country on the other hand.

United KingdomAnguilla

For a number of years, the Committee has been calling the attention of the Government to the fact that the provisions of section 157 of the United Kingdom Merchant Shipping Act 1894 - in conjunction with section 1 of the United Kingdom Merchant Shipping (International Labour Conventions) Act 1925, both Acts having been made applicable to the territory - are not in conformity with Article 2 of the Convention. Unlike the Convention, section 157 makes the right to the unemployment indemnity in case of shipwreck depend on the proof that the seaman has exerted himself to the utmost

to save the ship, cargo and stores. The Committee has therefore requested the Government to take the necessary measures to give full effect to the Convention.

In reply to the comments of the Committee, the Government states that no action can be taken in this non-metropolitan territory until the corresponding amendment has been made to the metropolitan legislation (the United Kingdom Merchant Shipping Act 1970). Since the metropolitan legislation was amended in 1979, in accordance with the requirements of the Convention, and the Government informed the Conference Committee in 1979 that it had then become possible to adopt the necessary measures to bring the legislation of Anguilla into full conformity with the Convention, the Committee trusts that the Government will adopt measures in the near future to give full effect to Article 2 of the Convention.

Convention No. 9: Placing of Seamen, 1920

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

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

Denmark

Faeroe Islands

Article 3 of the Convention. The Committee notes with regret that for the fifth year in succession no report has been received, and that the Government has not yet replied to the requests the Committee has been repeating since 1977 on the provisions to be adopted to provide for the annual repetition of the medical examination of seafarers under 18 years of age. With reference to its general observation, and the assistance requested by the Government in the matter of supply of reports, the Committee trusts that the Government will be in a position to send a report shortly and also indicate the measures adopted.

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

Netherlands

Netherlands Antilles

Article 7 of the Convention. The Committee notes the information communicated by the Government in its report in reply to the Committee's earlier comments on the practical application of section 4(2) of the Antillean Ordinance regulating accident benefit

(PB 1966, No. 14). It notes with interest that a study is now being made of the costs involved in bringing national legislation into line with the provisions of the Convention so that the Government can consider what the next steps should be, and that the results of this study will be communicated as soon as they are known.

The Committee expresses the hope that the Government will be able to indicate progress in this connection and will bring the legislation into full conformity with the Convention so as to provide for additional compensation to the victims of employment injury whose conditions necessitate the constant help of another person.

United Kingdom

British Virgin Islands

With reference to its earlier comments, the Committee notes with interest from the information provided by the Government in its report that work is progressing on regulations to include industrial injury in the Social Security Scheme, and that the draft under preparation includes the points mentioned in the Committee's previous comments.

The Committee expresses the hope that the said regulations will be adopted very soon so that the provisions of the Convention will be given full effect on the following points:

1. Article 2, paragraph 2(c), of the Convention. Under section 2, subsection 1(d), of the 1962 Ordinance, members of the employer's family dwelling in his house are excepted from its scope, whereas the Convention only allows this exception when the members of the family work exclusively on his behalf and live in his house.

2. Article 5. Under section 8, subsection 1(a), (b) and (c), of the 1962 Ordinance, compensation in cases of death or permanent incapacity is paid in the form of a lump sum corresponding to a certain number of months' wages, whereas the Convention, although it does not fix the rate of compensation, provides that it shall be paid in the form of periodical payments, provided that it may be wholly or partially paid in a lump sum if the competent authority is satisfied that the sum will be properly utilised.

3. Article 7. Section 9 of the Ordinance provides for the payment of additional compensation when the injured workman requires the constant assistance of another person only in cases of temporary incapacity, whereas the Convention makes no distinction in this respect between temporary and permanent incapacity.

4. Article 9. The new legislation will have to provide unequivocally for free medical, surgical and pharmaceutical aid for injured workmen, irrespective of the urgency of the case.

5. Article 10. Section 10 of the Ordinance provides for the supply of artificial limbs only when they may improve working capacity, whereas the Convention allows no such restriction.

Furthermore, the Ordinance does not appear to contain - as the Convention does - provisions establishing the general principle of the free supply and renewal of artificial limbs and surgical appliances.

6. With regard to the application of Article 11 of the Convention, the Committee considers that the provisions of section 29

of the Ordinance could prove to be inadequate to ensure, in all circumstances, in accordance with this provision of the Convention, the payment of compensation to the beneficiaries in the event of the insolvency of the employer or insurer. It is thus of the opinion that the inclusion of the workmen's compensation scheme in the general social security scheme would be the best guarantee and would result in the full application of the Convention on this point.

The Committee therefore hopes that the Government will not fail in its next report to indicate the progress made in respect of all the points listed above.

Falkland Islands (Malvinas)

With reference to its earlier comments, the Committee notes with satisfaction that the Workmen's Compensation (Amendment) Ordinance (No. 10 of 1981) amended section 2 of the principal Ordinance so that members of an employer's family living in his house are not now excluded from the definition of "workman" for the purposes of the Ordinance, thus complying with Article 2, paragraph 2(c), of the Convention.

Hong Kong

1. The Committee notes with satisfaction that, following the enactment of the Employees' Compensation (Amendment) Ordinance 1982, employers are now liable to pay medical expenses to their employees (Article 9 of the Convention), in respect of injuries arising out of and in the course of employment for an unlimited period of time until the attending medical practitioner or registered dentist certifies that no further treatment is required; and are liable to pay the initial costs of the supplying and fitting, and subsequent costs of repair and renewal, of a prosthesis or surgical appliance (Article 10). It also notes that by virtue of this improvement, one of the two modifications registered in respect of Article 9 of the Convention was removed, and that consequently the other modification in respect of this provision, according to which the employer is not liable to pay for medical, surgical or pharmaceutical aid if the injury does not incapacitate the employee for at least three consecutive days from earning full wages, remains unchanged.

2. The Committee also notes with satisfaction that following the introduction of a compulsory insurance system, employers are required to insure, by taking out insurance policies with private companies their full amount of statutory and common law liabilities payable in respect of injuries caused to their employees by accidents arising out of and in the course of employment (Article 11 of the Convention).

3. Articles 5 and 7 of the Convention. The Committee notes that the Working Party on the Comprehensive Review of the Workmen's Compensation Ordinance, has confirmed its view that the present practice, which consists in paying compensation in the form of lump sums in cases of permanent incapacity or death and also where the injured workman must have the constant help of another person, should remain in force, for the reasons set forth in the report (preference

of the population for this form of payment, risk of inflation and high administrative costs in respect of periodical payments, payment by instalments in certain cases through court orders). It notes, however, that if the injured employee, suffering from permanent total incapacity, needs constant attention to perform the essential functions of life, his employer may be ordered by court to pay a lump sum calculated with regard to the probable duration and cost of attention, or to pay periodical payments over a period not exceeding two years, plus a lump sum if constant attention is still required after two years. It also notes that in all fatal cases, the court invariably gives due consideration to the recommendations of the Director of Social Welfare in determining the distribution and the mode of payment to the beneficiaries. Such recommendations are made only when the Director is fully satisfied that the money will be properly utilised. In addition to his entitlement to compensation under the Employees' Compensation Ordinance, an employee who is severely disabled is also qualified to apply for a disability allowance for the rest of his life.

The Committee notes this information with interest; it hopes that the Government will in the future establish the principle of the payment of this compensation in the form of periodic payments throughout the duration of the contingency and requests the Government to report any progress made in this connection.

* * *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Bermuda, Falkland Islands (Malvinas), Isle of Man, Jersey, Montserrat).

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

France

New Caledonia

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Decision No. 112 of 24 July 1985, section 1 of which repeals and replaces section 29 of Decree No. 57-245 of 24 February 1957 respecting compensation and prevention of employment injuries in the overseas territories. By virtue of this provision, foreign nationals of any member State that has ratified this Convention and their dependants now enjoy the same benefits in respect of occupational accidents as insured French nationals without any condition as to residence.

The Committee would be grateful if the Government would furnish certain additional information mentioned in a request addressed directly to the Government.

* * *

In addition, a request regarding certain points is being addressed directly to France (New Caledonia).

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

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Falkland Islands (Malvinas)).

Convention No. 29: Forced Labour, 1930

France

French Polynesia

Article 2, paragraph 2(c), of the Convention. The Committee previously referred to section 8 of Decision No. 76-184 of 30 November 1976, under which persons sentenced to imprisonment, who are obliged to work by virtue of section 60 of this Decision, may be employed outside the prison establishment on behalf of private persons and, if they are so employed, may be placed under the responsibility and supervision of an agent or agents furnished by the employing service and approved by the administration.

The Committee notes with interest of the statement by the Government that no convicted person has been obliged to work outside the prison establishment on behalf of private individuals, all work performed by convicted persons, whether inside or outside the prison establishment, being supervised by the administration or by the judge who follows the serving of the sentence. The Government states that the provisions of Decree No. 84-577 of 6 July 1984 applying the third part of the Code of Criminal Procedure to the overseas territories ought to enable the law to be brought into conformity with the Convention.

The Committee refers on this point to the direct request addressed to France under Convention No. 29, in which it considers the questions relating to prison labour.

Noting that the texts concerning the organisation and rules of prison labour are being amended and that sections 60 and 81 will be revised in conformity with the Convention, the Committee asks the Government to indicate the measures taken to bring the provisions of Decision No. 76-184 of 30 November 1976 into conformity with the Convention, either by prohibiting the employment of prisoners on behalf of private individuals or by ensuring to the prisoners the normal conditions of a freely accepted employment relation.

* * *

In addition, requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

The Committee notes that the Government's report does not contain the information requested since 1977 concerning the application of Article 13 of the Convention. It is therefore bound to request the Government once again to indicate, in particular: (a) whether first-aid posts (equipped with all the necessary supplies) have been installed on the docks, wharfs, quays and similar places in these Departments; and (b) whether provisions have been made in these ports for the rescue of workers who fall in the water. The Committee also requests the Government to indicate the relevant legal provisions or regulations.

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

Netherlands

Netherlands Antilles

Article 5 of the Convention. With reference to its previous observations, the Committee notes that the Government once again refers to the draft decree concerning dangerous or unhealthy activities prohibited to persons under 18 years of age as being still under examination by the Government. Since this matter has been the subject of comments for a considerable number of years, the Committee hopes that the decree will be adopted in the very near future to bring the legislation into conformity with the Convention on this essential point.

[The Government is asked to supply full particulars to the Conference at its 72nd Session and to report in detail for the period ending 30 June 1986.]

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See the observation under France, Convention No. 35.

New Caledonia

Article 12, paragraph 5, of the Convention. The Committee takes note of the information contained in the report of the Government to the effect that, with a view to lessening the effect of the restrictive provisions contained in section 1 of Resolution No. 300 of 17 June 1961, the Territorial Assembly adopted Resolution No. 589 on 1 December 1983 to enable foreign workers definitively leaving the territory of New Caledonia to obtain the reimbursement of the wage part of their contributions to the retirement scheme. The Committee takes note of the adoption of this Resolution, but regrets to observe that no progress has been made with a view to the amendment of section 1 of the above-mentioned Resolution No. 300, under which foreign workers receive benefits if they have their residence and legal domicile in New Caledonia, or if they reside in a country that has entered into a reciprocity agreement with France. The Committee points out that, under this provision of the Convention, any restrictions that may apply in the event of residence abroad shall apply to pensioners and their dependants who are nationals of any Member State bound by this Convention and who reside in a territory of any other Member State so bound. However, this is so only to the extent to which the restrictions apply to nationals of the country in which the pension has been acquired, there being thus no need to conclude a bilateral agreement in this connection. The Committee therefore again expresses the hope that the Government will take the necessary measures to bring the national legislation into conformity with the Convention on this point as well and requests it to indicate the progress made to this end.

* * *

In addition, a request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See observation under France, Convention No. 35.

New Caledonia

Article 12, paragraph 5, of the Convention. See under Convention No. 35.

* * *

In addition, a request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See the observation under France, Convention No. 35.

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See the observation under France, Convention No. 35.

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See the observation under France, Convention No. 42.

United KingdomGibraltar

With reference to its earlier comments, the Committee takes note with interest of the modification to the schedule of occupational diseases instituted by the Employment Injuries Insurance (Occupational Diseases) (Amendment) Regulations, 1984 (section 2, Part I, First Schedule). The Committee notes, however, that contrary to the provisions of the Convention, the extension of the activities likely to cause anthrax infection, made by the above Regulations, namely, "the handling, loading or unloading ..." is restricted to "animal products or residues or contact with animals infected with anthrax", whereas the Convention is drawn up in more general terms for the purposes of dispensing workers from the need to prove that they have handled "merchandise which may have been contaminated by animals or animal wastes", proof which may be difficult to find in many cases.

The Committee therefore hopes that the Government will take the necessary measures to bring the legislation into conformity with the Convention, so as to include the loading, unloading or transport of merchandise in general, among the activities likely to cause anthrax infection that already appear in the legislation.

With regard to the point concerning poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the Committee notes that no measures have been adopted in order to include these derivatives into the legislation, as required by the Convention. The Committee hopes that the Government will be able to adopt measures in this respect in the near future.

* * *

In addition, requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

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

Netherlands

Netherlands Antilles

Further to its previous observation, the Committee notes from the Government's report that in view of the maintenance of the Seafarers' School, it has been decided to introduce a legislative provision formally enshrining the existing practice of a minimum age of 16 years for the admission to employment of seafarers. The Committee hopes that the Government will be able to transmit the adopted text very soon.

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

A request regarding certain points is being addressed directly to the United Kingdom (Montserrat).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, St. Pierre and Miquelon).

Convention No. 81: Labour Inspection, 1947

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia), United Kingdom (Gibraltar, Guernsey, Hong Kong, Isle of Man).

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Information supplied by the Netherlands (Netherlands Antilles) in answer to a direct request has been noted by the Committee.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: Netherlands (Netherlands Antilles), United Kingdom (Anguilla, British Virgin Islands).

Convention No. 98: Right to Organise and Collective Bargaining, 1949FranceNew Caledonia

The Committee notes the report of the Government in reply to its previous observation concerning the prohibition in the country, contained in section 30 of Ordinance No. 82-1114 of 23 December 1982, of all indexation of wages to the cost-of-living index and to the guaranteed minimum wage.

From the reply of the Government it would seem that this provision is modelled on section L.141-9 of the French Labour Code which concerns collective bargaining. The Committee observes that the prohibition in section L.141-9 relates to clauses of indexation of wages to the minimum wage growth (SMIC) which varies not only according to the cost of living but also to the participation in growth decided upon by the Government for the benefit of the lowest paid workers; whereas section 30 of Ordinance No. 82-1114, which is applicable in New Caledonia, prohibits the indexation of wages to the minimum guaranteed wage (SMIG), which basically varies according to the cost of living, and to the cost of living itself. Consequently, the Committee is of the view that this Ordinance, which prohibits in general terms indexation to the cost of living, cannot be considered to be a simple territorial extension of legislation which is already in force in France. The Committee considers that the wording of this provision is rather to place a further restriction on the scope of negotiation of wages in the territory, especially since in the preamble to the Ordinance it is stated that "this provision will contribute to reducing inflation in the territory".

The Committee requests the Government to state the reasons for and the objectives of the prohibition of negotiation of indexation of wages to the cost of living. The Committee recalls that any restriction on the negotiation of wages should apply as an exceptional measure and only to the extent necessary without exceeding a reasonable period, and it should be accompanied by adequate safeguards to protect workers' living standards.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Jersey).

Convention No. 100: Equal Remuneration, 1951

Requests regarding certain points are being addressed directly to the following States: France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Reunion); French Polynesia, New Caledonia, St. Pierre and Miquelon, 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 Criminal Code, certain breaches of labour discipline by seamen are punishable by imprisonment involving compulsory labour. In its reports since 1976 the Government stated that following the repeal of corresponding provisions in the Netherlands, sections 413 and 414 of the Criminal Code were being reviewed; in its communication to the Conference Committee in 1980, the Government indicated that it hoped to repeal these provisions before the next reporting period.

The Committee notes from the Government's latest report that the Government regrets not having succeeded in bringing about the requisite changes in the Criminal Code, but that it is expected that this can be done in the near future, since the preparations are in their final stages. The Committee accordingly hopes that the Government will soon be in a position to indicate that sections 413 and 414 of the Criminal Code have been repealed.

United Kingdom

Article 1(c) and (d) of the Convention. In earlier comments, the Committee referred to sections 221 to 224 and 225(1)(b), (c) and (e) of the United Kingdom Merchant Shipping Act, 1894, under which certain breaches of labour discipline are punishable with imprisonment, involving an obligation to perform labour, and which provide for the forcible return of deserters on board ship. The Committee noted that these provisions, which had been repealed for the United Kingdom by the 1970 Merchant Shipping Act, were still in force for a number of non-metropolitan territories. The Committee also noted from the Government's report that an Order in Council under section 94 of the

1970 Act was in preparation to extend to the non-metropolitan territories concerned the repeal of the provisions in question.

The Committee notes from the Government's latest report that the Government is now considering to extend to the non-metropolitan territories the full 1970 Act so as to extend to them the repeal of the whole of Part II of the 1894 Act, that it is first to write to the territories concerned, asking for their views on this, and that it will provide information in its next report on the progress of these consultations.

As the need to repeal the provisions of the 1894 Act which are incompatible with the Convention has been the subject of comment for many years, the Committee hopes that the Government will soon be able to indicate the measures taken, upon consultation with the territories concerned, to ensure the observance of the Convention both in maritime law and in practice throughout the non-metropolitan territories.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), New Zealand (Niue Islands), United Kingdom (Bermuda, British Virgin Islands, Falkland Islands (Malvinas)).

Convention No. 108: Seafarers' Identity Documents, 1958

A request regarding certain points is being addressed directly to the United Kingdom (Anguilla).

Information supplied by the United Kingdom (Falkland Islands (Malvinas)) in answer to a direct request has been noted by the Committee.

Convention No. 120: Hygiene (Commerce and Offices), 1964

France

French Polynesia

With reference to its earlier comments, the Committee notes from the report of the Government that the Bill respecting the general principles of labour law is being studied by the Territorial Assembly before being submitted to Parliament. This text is a basic instrument setting forth the principles of health, safety and conditions of work, which are to be developed later by territorial regulations. The Committee notes the statement by the Government to the effect that it is during this last procedure that consideration will be given to Articles 9, 10, 11, 13 and 15 to 19 of the Convention, which are not fully applied by the present legislation.

The Committee therefore again expresses the hope that the Government will not fail to take the necessary measures to give effect

to the whole Convention and that in its next report it will indicate any progress made in this connection.

[The Government is asked to report in detail for the period ending 30 June 1987.]

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: Denmark (Greenland), France (French Polynesia), Netherlands (Netherlands Antilles), United Kingdom (Hong Kong).

Convention No. 126: Accommodation of Crews (Fishermen), 1966

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

Convention No. 141: Rural Workers' Organisations, 1975

A request regarding certain points is being addressed directly to the United Kingdom (Falkland Islands (Malvinas)).

Convention No. 147: Merchant Shipping (Minimum Standards), 1976

A request regarding certain points are being addressed directly to the United Kingdom (Hong Kong).

Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Guernsey).

Convention No. 150: Labour Administration, 1978

Information supplied by the United Kingdom (Guernsey, Hong Kong) in answer to a direct request has been noted by the Committee.

**Appendix. Receipt of Detailed Reports on Ratified Conventions
(Non-Metropolitan Territories) as at 19 March 1986**

(Articles 22 and 35 of the Constitution)

Reports requested: 285 Reports received: 227 Reports not received: 58

Countries and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i>	0		2		
Norfolk Island	0	—	2	29, 105	2.1
<i>Denmark</i>	3		23		
Faeroe Islands	0	—	21	5, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 27, 29, 52, 53, 87, 92, 98, 105, 106, 126	41.9
Greenland	3	6, 29, 105	2	7, 11	50.0
<i>France</i>	76		22		
<i>Overseas Departments:</i>					
French Guiana	10	3, 6, 12, 17, 29, 42, 89, 100, 108, 135	4	32, 45, 81, 105	73.0
Guadeloupe	10	3, 6, 12, 17, 29, 42, 89, 100, 108, 135	4	32, 45, 81, 105	323.7
Martinique	10	3, 6, 12, 17, 29, 42, 89, 100, 108, 135	4	32, 45, 81, 105	323.7
Reunion	10	3, 6, 12, 17, 29, 42, 89, 100, 108, 135	4	32, 45, 81, 105	550.0
Territorial Community of St. Pierre and Miquelon . .	9	3, 6, 12, 17, 29, 42, 89, 100, 108	6	45, 63, 81, 82, 88, 105	6.0

NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Overseas Territories:</i>					
French Polynesia	15	6, 12, 17, 29, 42, 45, 63, 81, 88, 89, 100, 105, 108, 115, 120	0	—	160.0
New Caledonia	12	6, 12, 17, 29, 42, 45, 81, 88, 89, 100, 105, 108	0	—	150.0
Netherlands	17		0		
Netherlands Antilles	17	9, 11, 12, 17, 29, 33, 42, 45, 58, 81, 87, 88, 89, 90, 94, 105, 122	0	—	260.0
New Zealand	4		10		
Cook Islands	0	—	7	11, 14, 29, 82, 84, 99, 105	20.0
Niue Island	0	—	3	29, 99, 105	3.8
Tokelau	4	29, 100, 105, 111	0	—	1.5
United Kingdom	119		1		
Anguilla	9	12, 17, 29, 42, 85, 94, 105, 108, 148	0	—	6.5
Bermuda	7	12, 17, 29, 42, 105, 108, 135	0	—	67.7
British Virgin Islands	6	12, 17, 29, 85, 105, 108	0	—	12.0
Falkland Islands (Malvinas)	23	7, 10, 11, 12, 14, 17, 19, 22, 26, 29, 32, 35, 36, 42, 45, 58, 59, 82, 87, 98, 105, 108, 141	0	—	1.8
Gibraltar	12	2, 12, 17, 29, 42, 45, 81, 100, 105, 108, 135, 151	1	88	30.0

Countries and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Guernsey	15	2, 12, 17, 29, 42, 45, 81, 88, 105, 108, 135, 141, 148, 150, 151	0	—	53.3
Hong Kong	15	2, 12, 17, 29, 42, 45, 81, 90, 105, 108, 141, 147, 148, 150, 151	0	—	5 310.0
Isle of Man	13	2, 12, 17, 29, 42, 45, 81, 87, 88, 98, 102, 105, 108	0	—	64.6
Jersey	12	2, 12, 17, 29, 42, 45, 81, 88, 97, 99, 105, 108	0	—	76.0
Montserrat	8	12, 17, 29, 42, 59, 85, 105, 108	0	—	11.6
St. Helena	7	12, 17, 29, 85, 105, 108, 151	0	—	5.1

¹ Source: United Nations: *Demographic Year Book*, 1983.

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 recalls that according to the information supplied earlier by the Government, the instruments adopted from the 61st to the 67th Session of the Conference had been submitted to the competent authorities and the relevant documents and the decisions taken with respect to these instruments were to be communicated to the ILO. In the absence of any further information, the Committee hopes that the Government will shortly communicate the documents and decisions in question. It also hopes that the Government will indicate whether the instruments adopted from the 52nd to the 56th Session and at the 68th, 69th and 70th Sessions have been submitted.

Angola

Further to its previous observation, the Committee notes the information provided by the Government to the effect that the instrument adopted at the 66th Session of the Conference as well as Conventions Nos. 154 and 156 and Recommendations Nos. 163 and 165 (67th Session) have been submitted to the competent authorities. The Committee hopes that the remaining instruments of the 67th Session (Convention No. 155 and Recommendation No. 164) and the instruments adopted at the 68th and 69th Sessions will be submitted at an early date. It would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted.

Bolivia

Further to its previous observation, the Committee has taken note of the discussion which took place in the Conference Committee in 1985 and the information communicated by a Government representative to the effect that the Government was on the point of submitting to Parliament the instruments still pending. In the absence of any further information on this subject, the Committee hopes that the Government will be able to state shortly that it has submitted to the competent authorities Recommendation No. 151, adopted at the 60th Session of the Conference, and the instruments adopted at the 63rd, 64th, 65th, 66th, 67th, 68th, 69th and 70th Sessions, and that it will

supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will indicate the proposals made and the decisions taken as to the action to be taken on Recommendation No. 152, adopted at the 61st Session of the Conference, as well as on the instruments adopted at the 62nd Session (points II and III of the questionnaire at the end of the Memorandum).

Botswana

The Committee has taken note of the information communicated by the Government to the Conference Committee in 1985 concerning the submission to the Cabinet of the instruments adopted at the 69th and 70th Sessions of the Conference. Recalling its earlier comments, the Committee hopes that these instruments, as well as those adopted from the 64th to the 68th Session, will also be submitted to Parliament, which is the legislative authority under article 86 of the Constitution of Botswana, as the Government itself stated in its report for 1984. In addition, the Committee would be grateful if the Government would supply in respect of all the above-mentioned instruments the information and documents called for in the Memorandum adopted by the Governing Body.

Brazil

Further to its previous observation, the Committee has taken note of the discussion which took place in the Conference Committee in 1985 and the information communicated by a Government representative to the effect that concrete steps had been taken (including the setting up of tripartite committees to study the Conventions and Recommendations) with a view to the submission of the remaining instruments. The Committee therefore trusts that the Government will be able to state in the near future that the submission of these instruments has been effected and that it will supply 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

Further to its previous observation, the Committee notes the discussion which took place in the Conference Committee in 1985 and the information supplied by the Government to the effect that submission of the instruments adopted from the 55th to the 69th Sessions of the Conference was imminent. The Committee also notes that a document had been prepared for this purpose with the technical assistance of the ILO. In the absence of any further information, the Committee therefore hopes that the Government will be able to state shortly that these instruments have been submitted, and that it will supply in respect of these instruments, as well as of those adopted from the 50th to the 54th Sessions, already submitted, the

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information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire). In addition, the Committee would be grateful if the Government would indicate whether the instrument adopted at the 70th Session of the Conference has been submitted.

Congo

Further to its previous observation, the Committee notes from the information communicated by the Government to the Conference Committee in 1985 that Convention No. 152 and Recommendation No. 160 (65th Session of the Conference) and Recommendation No. 162 (66th Session) have been submitted to the competent authorities. The Committee hopes that the Government will be able to state shortly that the instruments adopted at the 60th, 61st, 62nd, 68th, 69th and 70th Sessions and the remaining instruments adopted at the 54th, 55th, 58th, 63rd, 65th and 67th Sessions (Conventions Nos. 137, 148, 153, and 156 and Recommendations Nos. 135 to 142, 145, 156, 161, 163, 164 and 165) have been submitted to the People's National Assembly, and that it will supply in respect of all these instruments the information and documents called for in the Memorandum adopted by the Governing Body.

Democratic Yemen

The Committee has noted the information communicated by the Government to the Conference Committee in 1985, in reply to its previous observation, to the effect that the instruments adopted from the 62nd to the 68th Sessions of the Conference were still under examination. The Committee hopes that the Government will be able to submit these instruments, as well as those adopted at the 69th and 70th Sessions, to the competent authorities.

Djibouti

The Committee notes that there has been no reply to its earlier direct requests. It hopes that the Government will shortly state whether the instruments adopted at the 66th, 68th and 69th Sessions of the Conference have been submitted to the competent authorities. It would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted.

Dominican Republic

The Committee notes that it has not received a reply to its previous direct requests. It hopes that the Government will indicate shortly whether the instruments adopted at the 63rd, 65th, 66th, 67th and 69th Sessions of the Conference have been submitted to Congress, and that it will supply in respect of these instruments and of those

adopted at the 68th Session, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body. The Committee would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted.

El Salvador

The Committee notes that again this year the Government has failed to reply to its previous observation. It hopes that the Government will shortly be able to state that the instruments adopted at the 62nd, 65th, 66th, 67th, 68th and 69th Sessions of the Conference and the instruments still pending from the 63rd and 64th Sessions have been submitted to the competent authority, and that it will supply the documents and information called for in the Memorandum adopted by the Governing Body. The Committee would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted.

Ethiopia

The Committee notes that the Government has not replied to its previous observation. It hopes that it will supply shortly, as requested in the Memorandum adopted by the Governing Body, copies of the documents for the submission of the instruments adopted from the 59th to the 61st Sessions and at the 63rd, 64th, 66th and 69th Sessions of the Conference, as well as of Recommendation No. 136 (54th Session), Convention No. 138 and Recommendation No. 146 (58th Session) and Convention No. 153 and Recommendation No. 161 (65th Session), submitted in 1984, and the instruments adopted at the 62nd, 67th and 68th Sessions, submitted in March 1983, and that it will be able to state shortly that Convention No. 137 and Recommendation No. 145 (58th Session), Convention No. 152 and Recommendation No. 160 (65th Session) and Recommendation No. 169 (70th Session) have also been submitted.

Fiji

Further to its earlier comments, the Committee notes with satisfaction from the information and documents communicated by the Government, that the instruments adopted from the 64th to the 70th Sessions of the Conference have been submitted to the competent authorities.

Ghana

The Committee notes that the Government has not replied to its previous observation. It trusts that the Government will be able to state shortly that the instruments adopted at the 66th, 67th, 68th and 69th Sessions of the Conference have been submitted, and that it will

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supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted to the competent authorities.

Grenada

The Committee notes that the Government has not replied to its previous direct requests, and hopes that it will state shortly that Recommendation No. 162 (66th Session of the Conference) and the instruments adopted at the 67th, 68th and 69th Sessions have been submitted to the competent authorities. It would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted. It recalls in this connection that the authorities to which these instruments must be submitted are those empowered to legislate. The Committee hopes that the Government will also supply the information and documents called for in this respect in the Memorandum adopted by the Governing Body, particularly as concerns the nature of the competent authority and any proposals or comments made by the Government as to the action to be taken on the instruments in question (points I(a) and II(b) of the questionnaire). The Committee wishes to point out that the obligation to submit does not imply that governments must propose the ratification or application of the instrument in question. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities.

Haiti

The Committee notes that there has been no reply to its previous observation. It hopes that the Government will state shortly that the instruments adopted at the 67th and 68th Sessions of the Conference have been submitted to the competent authorities, and that it will also indicate, as requested in points II(b) and (c) and III of the questionnaire at the end of the Memorandum adopted by the Governing Body, whether, at the time of their submission, any proposals were made as to the action to be taken on the instruments adopted at the 64th and 65th Sessions of the Conference, and whether any decisions were taken in this connection.

Islamic Republic of Iran

Further to its previous comments, the Committee has noted the statement by a Government representative to the Conference Committee in 1985 concerning the difficulties which are continuing to delay the submission procedure and the measures being taken with a view to the examination of all the instruments still pending. The Committee has also noted the discussion which followed. It hopes that the

Government will be able to state shortly that the instruments adopted at the 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th and 70th Sessions of the Conference have been submitted to Parliament.

Ireland

Further to its earlier observation, the Committee notes with interest from the information and documents communicated by the Government to the Conference Committee in 1985, that the instruments adopted from the 62nd to the 65th Sessions of the Conference have been submitted to Parliament. The Committee also notes that the submission of the instruments adopted at the 66th, 67th, 68th, 69th and 70th Sessions will be carried out, before the Conference of 1986, since the relevant White Paper has now been approved.

Recalling its earlier comments on the submission to the competent authorities of the European Communities of the Hours of Work and Rest Periods (Road Transport) Convention (No. 153) and Recommendation (No. 161), 1979, adopted at the 65th Session of the Conference, the Committee notes the outcome, transmitted by the Government, of the consultations between the social partners in this connection. It also notes that the Commission of the Communities has considered the outcome of these consultations and the Committee would be grateful if the Government would indicate, when appropriate, the results of this procedure.

Democratic Kampuchea

The Committee notes the absence of any information concerning the submission to the competent authorities of the instruments adopted by the Conference.

Kenya

Further to its previous observation, the Committee has noted with interest the statement by a Government representative to the Conference Committee in 1985 to the effect that the instruments adopted from the 64th to the 68th Sessions of the Conference had been submitted to Parliament and that those adopted at the 69th Session were to be submitted shortly, as well as the information supplied by the Government in its report to the effect that submission of the instrument adopted at the 70th Session would also be taking place very shortly. The Committee hopes that the Government will soon state that submission of these instruments has been effected, and that it will supply in respect of all the instruments mentioned above the information and documents requested in point II of the questionnaire at the end of the Memorandum adopted by the Governing Body.

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Lao People's Democratic Republic

The Committee notes the absence of any information concerning the submission to the competent authorities of the instruments adopted by the Conference.

Lebanon

The Committee hopes that the Government will be in a position to indicate shortly that the remaining instruments adopted from the 31st to the 70th Sessions of the Conference have been submitted to the competent authorities.

Lesotho

The Committee notes that the Government has not replied to its previous observation. It hopes that the Government will be able to state shortly that the instruments adopted at the 66th, 67th, 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b) of the Constitution of the ILO. The Committee recalls in this connection that the authorities to which these instruments must be submitted are the authorities empowered to legislate, and that the submission of instruments does not entail any obligation whatsoever to ratify the Conventions or accept the Recommendations. The Committee hopes that the Government will also supply the information and documents called for in this respect in the Memorandum adopted by the Governing Body, particularly as concerns the nature of the competent authority and the proposals or comments of the Government as to the action to be taken on the instruments in question (points I and II of the questionnaire at the end of the Memorandum).

Libyan Arab Jamahiriya

Further to its earlier comments, the Committee has noted with satisfaction from the information and documents communicated by the Government that the instruments adopted from the 64th to the 69th Sessions of the Conference have been submitted to the competent authorities.

Malawi

Further to its previous observations, the Committee has noted with interest the information communicated by the Government to the Conference Committee in 1985 to the effect that the Head of State had approved that the instruments adopted by the Conference at the 56th Session and from the 58th to the 69th Sessions should be submitted to the National Assembly at its next session. The Committee hopes that the Government will be able to state shortly that the submission of

these instruments, and of the instrument adopted at the 70th Session, has taken place.

Mauritius

Following its earlier observation, the Committee takes note of the explanations of a Government representative at the Conference Committee in 1985, and of the subsequent discussion concerning the difficulties which delayed the submission to the competent authorities of the instruments adopted at the 59th and 60th Sessions and from the 63rd to the 69th Sessions of the Conference. The Committee also notes that the Government thought that these difficulties would be overcome by the end of 1985. It therefore hopes that the Government will be able to state soon that the above instruments, and also the instrument adopted at the 70th Session, have been submitted to Parliament and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

Nepal

Further to its earlier observation, the Committee notes that the Government confirms in its report that the practice in Nepal is to submit ILO instruments to the National Parliament only when the competent minister regards this as being necessary, since the instruments do not all call for legislative measures. The Committee can only recall its previous comments on this subject, namely: that Conventions and Recommendations should normally be submitted to the National Parliament, as the body vested with legislative authority and that, even in the case of instruments not calling for legislative measures, it would be preferable also to submit them to the parliamentary body in order to ensure that the obligation of submission fully achieves its aim, which is equally to bring the Conventions and Recommendations to public notice. The Committee hopes that the Government will be able to review the situation in the light of the above and that it will submit to Parliament the instruments adopted from the 51st to the 61st Sessions and from the 66th to the 70th Sessions of the Conference. The Committee also hopes that it will communicate the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire) in connection with all the above instruments and with the instruments adopted at the 64th and 65th Sessions which have already been submitted.

Nigeria

The Committee notes the submission to the competent authorities of the instrument adopted at the 70th Session of the Conference. It also notes from the Government's report that the proposals and decisions concerning the instruments adopted from the 45th to the 59th

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Sessions and from the 65th to the 69th Sessions will be transmitted to the Office as soon as they are known.

Paraguay

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will supply shortly a copy of the document by which the Minister of Foreign Affairs submitted to Congress the instruments adopted from the 62nd to the 67th Sessions of the Conference, and that it will indicate whether the instruments adopted at the 68th and 69th Sessions have been submitted to the competent authorities. The Committee would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted.

Qatar

Following its previous comments, the Committee takes note of the information provided by the Government to the effect that the instruments adopted at the 64th Session of the Conference have been submitted to the competent authorities. The Committee also notes the information concerning the decisions taken in respect of the instruments adopted at the 62nd, 63rd, 67th and 68th Sessions of the Conference. It hopes that the submission of the remaining instruments (65th, 66th and 69th Sessions) will soon be carried out. Furthermore, the Committee would be grateful if the Government would indicate whether the instrument adopted at the 70th Session of the Conference has been submitted to the competent authorities.

Saint Lucia

The Committee notes that the Government has not replied to its previous direct requests, and hopes that it will be able to state shortly that the instruments adopted at the 66th, 67th, 68th and 69th Sessions of the Conference have been submitted to the competent authorities. It would also be grateful if the Government would indicate whether the instrument adopted at the 70th Session has been submitted. It recalls in this connection that the authorities to which these instruments must be submitted are those empowered to legislate. The Committee hopes that the Government will also supply the information and documents called for in this respect in the Memorandum adopted by the Governing Body, particularly as concerns the nature of the competent authority and any proposals or comments made by the Government as to the action to be taken on the instruments in question (points I(a) and II(b) of the questionnaire). The Committee wishes to point out that the obligation to submit does not imply that governments must propose the ratification or application of the instrument in question. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities.

Seychelles

The Committee notes the information communicated by the Government concerning the preparatory work with a view to the submission to the People's Assembly of the instrument adopted at the 70th Session of the Conference. It hopes that the Government will soon be able to report that this submission has taken place.

The Committee, however, regrets to note that once again this year the Government has not replied to its earlier comments. It trusts that the Government will soon report that the instruments adopted at the 63rd, 64th, 65th, 66th, 67th, 68th and 69th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b) of the Constitution of the ILO. In this connection, it points out that the authorities to which these instruments must be submitted are those authorities within whose competence the enactment of legislation lies. The Committee hopes that the Government will also supply the information and documents called for in this connection in the Memorandum adopted by the Governing Body, especially with regard to the proposals or comments of the Government on the effect to be given to the instruments in question (point II(b) of the questionnaire). It also points out that the obligation of submission does not imply that governments must propose the ratification of the Conventions or the application of the Recommendations submitted. Regarding the nature of the proposals made in respect of the Conventions and Recommendations submitted to the competent authorities, governments are quite free to make their own decisions.

Sierra Leone

The Committee refers to its earlier observations and regrets that no reply has been made to them. It trusts that the Government will soon indicate that Convention No. 146 and Recommendation No. 154, adopted at the 62nd Session of the Conference, and the instruments adopted at the 63rd, 64th, 65th, 66th, 67th, 68th, 69th and 70th Sessions have been submitted to Parliament.

The Committee also trusts that the Government will soon communicate information on the proposals made to, and the decisions made by, Parliament concerning those instruments adopted from the 46th to the 62nd Sessions of the Conference which have already been submitted.

Syrian Arab Republic

With reference to its earlier comments, the Committee notes with interest from the information communicated by the Government to the Conference Committee in 1985, that many instruments adopted at the 58th and from the 63rd to the 69th Sessions of the Conference (Conventions Nos. 137 and 148 to 159, Recommendations Nos. 145, 156 to 159, and 163 to 166) have been transmitted with proposals to the President of the Council of Ministers with a view to their submission

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to the People's Assembly, which has also legislative authority. The Committee hopes that the Government will soon be able to report that this submission has also taken place. In addition, it hopes that the submission of the other instruments (Recommendations Nos. 160 to 162 and 167 to 169) can also be carried out in the near future.

United Republic of Tanzania

The Committee notes that the Government has not replied to its previous observation. It hopes that it will soon report that the instruments adopted from the 54th to the 65th Session of the Conference, already submitted to the Cabinet, have also been submitted to the National Assembly, with proposals as to the effect to be given to them. The Committee also hopes that the Government will soon report that all the instruments adopted from the 66th to the 70th Sessions have been submitted to the National Assembly, and that in this connection, and for the instruments adopted from the 47th to the 53rd Sessions, which have already been submitted, it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

Tunisia

Further to its previous observation, the Committee has noted the information communicated by a Government representative to the Conference Committee in 1985, the discussion which followed and the information subsequently supplied by the Government in its report. The Committee notes that many of the instruments adopted at different Sessions of the Conference are still under study in the various departments concerned, and that the Government has organised national seminars on standards for officials of these departments in order to familiarise them with these standards. The Committee points out, however, that the purpose of these consultations should be the submission of the instruments to Parliament with proposals as to the action to be taken on them. It therefore hopes that the Government will be able to state shortly that the instruments adopted at the 62nd, 64th, 65th, 66th, 67th, 68th and 69th Sessions of the Conference have been submitted to the competent authorities, and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will supply the documents by means of which the instruments adopted at the 61st Session were submitted, and indicate whether proposals were made and decisions taken in respect of the instruments adopted from the 54th to the 60th Sessions, which were still under study by the Ministry of Social Affairs. In addition, the Committee would be grateful if the Government would indicate whether the instrument adopted at the 70th Session of the Conference has been submitted.

Uganda

The Committee regrets to note that the Government has not replied to its previous observation. It trusts that it will soon report that the instruments adopted at the 66th, 67th, 68th and 69th Sessions of the Conference have been submitted to the competent authorities, and that it will communicate in this connection the information and documents called for in the Memorandum adopted by the Governing Body. Furthermore, the Committee would be grateful if the Government would indicate whether the submission of the instrument adopted at the 70th Session has been carried out.

Yemen

The Committee notes with regret that the Government has not replied to the observations that it has made since 1981. It trusts that the Government will supply in the near future the information and documents called for in the Memorandum adopted by the Governing Body, particularly with regard to point II of the questionnaire, in connection with the instruments adopted from the 50th to the 56th and from the 60th to the 64th Sessions of the Conference, which have been submitted to the legislative authority. Furthermore, the Committee trusts that the Government will soon indicate that the instruments adopted at the 65th, 66th, 67th, 68th, 69th and 70th Sessions have been submitted to the competent authorities.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Antigua and Barbuda, Argentina, Austria, Bahamas, Bangladesh, Belgium, Belize, Benin, Burkina Faso, Burma, Cameroon, Canada, Cape Verde, Central African Republic, Comoros, Costa Rica, Cyprus, Denmark, Dominica, Ecuador, Equatorial Guinea, France, Gabon, Federal Republic of Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Iraq, Italy, Jamaica, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Niger, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Romania, Rwanda, San Marino, Sao Tome and Principe, Senegal, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, USSR, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Zaire, Zambia, Zimbabwe.

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit
Conventions and Recommendations to the Competent Authorities**

(31st to 70th Sessions of the International Labour Conference, 1948-84)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 67	52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 68, 69 and 70
Algeria	47 to 70	—
Angola	61 to 66 and 67 (C 154, 156; R 163, 165)	67 (C 155; R 164), 68, 69 and 70
Antigua and Barbuda . . .	68	69 and 70
Argentina	31 to 69	70
Australia	31 to 70	—
Austria	31 to 68 and 69 (R 167)	69 (C 159; R 168) and 70
Bahamas	61 to 69	70
Bahrain	63 to 70	—
Bangladesh	58 to 69	70
Barbados	51 to 70	—
Belgium	31 to 68	69 and 70
Belize	68	69 and 70
Benin	45 to 70	—
Bolivia	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62	60 (R 151), 63, 64, 65, 66, 67, 68, 69 and 70
Botswana	—	64, 65, 66, 67, 68, 69 and 70

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, 68, 69 and 70
Bulgaria	31 to 70	—
Burkina Faso	45 to 58, 60 (C 143; R 151), 61 to 64, 66 and 67	59, 60 (C 141, 142; R 149, 150), 65, 68, 69 and 70
Burma	31 to 69	70
Burundi	47 to 70	—
Byelorussian SSR	37 to 70	—
Cameroon	44 to 68, 69 (C 159; R 168) and 70	69 (R 167)
Canada	31 to 69	70
Cape Verde	65 to 68 and 70	69
Central African Republic	45 to 64 and 66 to 68	65, 69 and 70
Chad	45 to 54	55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70
Chile	31 to 70	—
China	69 and 70	—
Colombia	31 to 70	—
Comoros	65 to 69	70
Congo	45 to 53, 54 (C 131, 132), 55 (C 133, 134), 56, 58 (C 138; R 146), 59, 63 (C 149; R 157), 64, 65 (C 152, R 160), 66 and 67 (C 154, 155)	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 (C 153; R 161), 67 (C 156; R 163, 164, 165), 68, 69 and 70
Costa Rica	31 to 63, 64 (C 150, 151; R 158), 65 (C 152, 153), 67 (C 154, 155, 156) and 68 (C 157, 158)	64 (R 159), 65 (R 160, 161), 66, 67 (R 163, 164, 165), 68 (R 166), 69 and 70
Côte-d'Ivoire, Republic of	45 to 70	—

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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Cuba	31 to 70	—
Cyprus	45 to 68	69 and 70
Czechoslovakia	31 to 70	—
Democratic Yemen	53 to 68	69 and 70
Denmark	31 to 67 and 69 (C 159; R 168)	68, 69 (R 167) and 70
Djibouti	64, 65 and 67	66, 68, 69 and 70
Dominica	—	68, 69 and 70
Dominican Republic	31 to 62, 64 and 68	63, 65, 66, 67, 69 and 70
Ecuador	31 to 70	—
Egypt	31 to 70	—
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, 68, 69 and 70
Equatorial Guinea	67	68, 69 and 70
Ethiopia	31 to 56, 58 (C 138, 146), 59 to 64, 65 (C 153; R 161) and 66 to 69	58 (C 137; R 145), 65 (C 152; R 160) and 70
Fiji	59 to 70	—
Finland	31 to 70	—
France	31 to 70	—
Gabon	45 to 70	—
German Democratic Republic	59 to 70	—
Germany, Federal Republic of	34 to 64, 65 (C 152, 153; R 160), 66 and 67 (C 154, 155; R 163, 164)	65 (R 161), 67 (C 156; R 165), 68, 69 and 70
Ghana	40 to 65	66, 67, 68, 69 and 70
Greece	31 to 61, 62 (C 145, 146, 147; R 155), 63 to 70	62 (R 153, 154)
Grenada	—	66, 67, 68, 69 and 70
Guatemala	31 to 68 and 70	69
Guinea	43 to 67	68, 69 and 70

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 to 70	—
Guyana	50 to 70	—
Haiti	31 to 66	67, 68, 69 and 70
Honduras	39 to 66 and 68	67, 69 and 70
Hungary	31 to 70	—
Iceland	31 to 70	—
India	31 to 70	—
Indonesia	33 to 65	66, 67, 68, 69 and 70
Iran, Islamic Republic of .	31 to 61	62, 63, 64, 65, 66, 67, 68, 69 and 70
Iraq	31 to 70	—
Ireland	31 to 65	66, 67, 68, 69 and 70
Israel	32 to 70	—
Italy	31 to 69	70
Jamaica	47 to 69	70
Japan	35 to 70	—
Jordan	39 to 70	—
Democratic Kampuchea .	53, 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70
Kenya	48 to 68	69 and 70
Kuwait	45 to 70	—
Lao People's Democratic Republic .	—	48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70

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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
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, 68, 69 and 70
Lesotho.	—	66, 67, 68, 69 and 70
Liberia	31 to 69	70
Libyan Arab Jamahiriya	35 to 69	70
Luxembourg	31 to 70	—
Madagascar	45 to 54, 56 to 70	55
Malawi	49 to 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70
Malaysia	41 to 70	—
Mali	44 to 70	—
Malta	49 to 55, 56, 58 to 64, 65 (C 152; R 160), 66, 67 and 68	65 (C 153; R 161), 69 and 70
Mauritania.	45 to 67	68, 69 and 70
Mauritius.	53 to 58, 59 (C 139; R 147), 61 and 62	59 (C 140; R 148), 60, 63, 64, 65, 66, 67, 68, 69 and 70
Mexico	31 to 69	70
Mongolia.	53 to 70	—
Morocco	39 to 69	70
Mozambique	61 to 68 and 70	69
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, 68, 69 and 70
Netherlands	31 to 66, 67 (C 154, 156; R 163, 165) and 68	67 (C 155; R 164), 69 and 70
New Zealand	31 to 70	—
Nicaragua	40 to 70	—
Niger	45 to 68 and 70	69

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)
Nigeria	45 to 70	—
Norway	31 to 70	—
Pakistan	31 to 66	67, 68, 69 and 70
Panama	31 to 69	70
Papua New Guinea	61 to 65	66, 67, 68, 69 and 70
Paraguay	40 to 67	68, 69 and 70
Peru	31 to 64, 65 (C 152; R 160), 66, 67 (C 154, 156; R 163, 165), 68 (C 158, R 166) and 69 (C 159; R 168)	65 (C 153; R 161), 67 (C 155; R 164), 68 (C 157), 69 (R 167) and 70
Philippines	31 to 66	67, 68, 69 and 70
Poland	31 to 70	—
Portugal	31 to 68	69 and 70
Qatar	58 to 64, 67 and 68	65, 66, 69 and 70
Romania	39 to 69	70
Rwanda	47 to 70	—
Saint Lucia	—	66, 67, 68, 69 and 70
San Marino	69 (C 159; R 168)	68, 69 (R 167) and 70
Sao Tome and Principe . .	—	68, 69 and 70
Saudi Arabia	61 to 70	—
Senegal	44 to 67	68, 69 and 70
Seychelles	—	63, 64, 65, 66, 67, 68, 69 and 70
Sierra Leone	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64, 65, 66, 67, 68, 69 and 70
Singapore	50 to 69	70
Solomon Islands	—	70
Somalia	45 to 67	68, 69 and 70
Spain	39 to 62, 63 (C 148; R 156, 157), 64 to 68 and 69 (R 167)	63 (C 149), 69 (C 159; R 168) and 70
Sri Lanka	31 to 68	69 and 70
Sudan	39 to 66	67, 68, 69 and 70
Suriname	61 to 64	65, 66, 67, 68, 69 and 70
Swaziland	60 to 67	68, 69 and 70

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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Sweden	31 to 70	—
Switzerland	31 to 70	—
Syrian Arab Republic. . .	31 to 64, 65 (C 152, 153), 67, 68 and 69 (C 159)	65 (R 160, 161), 66, 69 (R 167, 168) and 70
Tanzania, United Republic of	46 to 65	66, 67, 68, 69 and 70
Thailand	31 to 68	69 and 70
Togo	44 to 70	—
Trinidad and Tobago . . .	47 to 65	66, 67, 68, 69 and 70
Tunisia	39 to 61 and 63	62, 64, 65, 66, 67, 68, 69 and 70
Turkey	31 to 70	—
Uganda	47 to 65	66, 67, 68, 69 and 70
Ukrainian SSR	37 to 70	—
USSR	37 to 67	68, 69 and 70
United Arab Emirates . .	58 to 68	69 and 70
United Kingdom	31 to 70	—
United States	31 to 60, 62 (C 145, 146; R 153, 154), 63 to 70	61 and 62 (C 147; R 155)
Uruguay	31 to 68 and 69 (R 167)	69 (C 159; R 168) and 70
Venezuela	31 to 63, 64 (C 150, 151; R 158), 65 (C 153; R 161), 67 (C 155, 156; R 163, 164, 165) and 68	64 (R 159), 65 (C 152; R 160), 66, 67 (C 154), 69 and 70
Yemen	49 to 64	65, 66, 67, 68, 69 and 70
Yugoslavia	31 to 70	—
Zaire	45 to 61 and 63 to 65	62, 66, 67, 68, 69 and 70
Zambia	49 to 67	68, 69 and 70
Zimbabwe	66 to 69	70

Appendix II. Overall position of member States at 19 March 1986

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)	59	2	—	61
33 (June 1950)	61	— ¹	2	63
34 (June 1951)	62	2	—	64
35 (June 1952)	64	2	—	66
36 (June 1953)	64	—	2	66
37 (June 1954)	67	— ¹	2	69
38 (June 1955)	67	1	2	69
39 (June 1956)	74	—	2	76
40 (June 1957)	75	2	—	77
41 (April/May 1958)	77	1	1	79
42 (June 1958)	78	1	—	79
43 (June 1959)	78	1	1	80
44 (June 1960)	81	1	1	83
45 (June 1961)	99	2	—	101
46 (June 1962)	99	3	—	102
47 (June 1963)	103	4	1	108
48 (June/July 1964)	107	2	1	110
49 (June 1965)	111	2	1	114
50 (June 1966)	110	4	1	115
51 (June 1967)	116	1	—	117
52 (June 1968)	112	— ¹	6	118
53 (June 1969)	117	2	2	121
54 (June 1970)	114	5	2	121
55 (October 1970)	111	3	7	121
56 (June 1971)	111	2	8	121
58 (June 1973)	109	4	10	123
59 (June 1974)	115	2	8	125
60 (June 1975)	113	3	10	126
61 (June 1976)	118	—	13	131
62 (October 1976)	117	2	13	132
63 (June 1977)	108	3	24	135
64 (June 1978)	118	3	15	136
65 (June 1979)	108	7	24	139
66 (June 1980)	99	— ¹	45	144
67 (June 1981)	101	6	38	145
68 (June 1982)	89	4	57	150
69 (June 1983)	68	9	73	150
70 (June 1984)	56	— ¹	95	151

¹ At this session the Conference adopted one Recommendation only.

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Reading Room ILO

International Labour Conference
72nd Session 1986



Report III
(Part 5)

List of Ratifications of Conventions

(as at 31 December 1985)



International Labour Office Geneva

International Labour Conference
72nd Session 1986

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of Conventions and Recommendations

List of Ratifications of Conventions

(as at 31 December 1985)

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TABLE OF RATIFICATIONS OF CONVENTIONS

1. HOURS OF WORK (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	India	14. 7.21
Argentina	30.11.33	Iraq	24. 8.65
Austria ¹	12. 6.24	Israel	26. 6.51
Bangladesh	22. 6.72	Italy ¹	6.10.24
Belgium	6. 9.26	Kuwait	21. 9.61
Bolivia	15.11.73	Lebanon	1. 6.77
Bulgaria	14. 2.22	Libyan Arab Jamahiriya	27. 5.71
Burma	14. 7.21	Luxembourg	16. 4.28
Burundi	30. 7.71	Mozambique	6. 6.77
Canada	21. 3.35	New Zealand	29. 3.38
Chile	15. 9.25	Nicaragua	12. 4.34
Colombia	20. 6.33	Pakistan	14. 7.21
Comoros	23.10.78	Paraguay	21. 3.66
Costa Rica	1. 3.82	Peru	8.11.45
Cuba	20. 9.34	Portugal	3. 7.28
Czechoslovakia	24. 8.21	Romania	13. 6.21
Djibouti	3. 8.78	Saudi Arabia	15. 6.78
Dominican Republic	4. 2.33	Spain	22. 2.29
Egypt	10. 5.60	Syrian Arab Republic	10. 5.60
Equatorial Guinea	12. 6.85	United Arab Emirates	27. 5.82
France ¹	2. 6.27	Uruguay	6. 6.33
Ghana	19. 6.73	Venezuela	20.11.44
Greece	19.11.20		
Guinea-Bissau	21. 2.77		
Haiti	31. 3.52		

¹ Conditional ratification.

RATIFIED CONVENTIONS

2. UNEMPLOYMENT CONVENTION, 1919

This Convention came into force on 14 July 1921

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Kenya	13. 1.64
Australia	15. 6.72	Luxembourg	16. 4.28
Austria	12. 6.24	Malta	4. 1.65
Belgium	25. 8.30	Mauritius	2.12.69
Bulgaria ¹	14. 2.22	Morocco	14.10.60
Burma	14. 7.21	Netherlands	6. 2.32
Central African Republic ...	9. 6.64	New Zealand	29. 3.38
Chile	31. 5.33	Nicaragua	12. 4.34
Colombia	20. 6.33	Norway	23.11.21
Cyprus	8.10.65	Papua New Guinea	1. 5.76
Denmark	13.10.21	Poland	21. 6.24
Djibouti	3. 8.78	Romania	13. 6.21
Ecuador	5. 2.62	Seychelles	6. 2.78
Egypt	3. 7.54	South Africa	20. 2.24
Ethiopia	11. 6.66	Spain	4. 7.23
Finland	19.10.21	Sudan	18. 6.57
France	25. 8.25	Sweden	27. 9.21
Fed. Rep. of Germany	6. 6.25	Switzerland	9.10.22
Greece	19.11.20	Syrian Arab Republic	26. 7.60
Guyana	8. 6.66	Turkey	14. 7.50
Hungary	1. 3.28	United Kingdom	14. 7.21
Iceland	17. 2.58	Uruguay ¹	6. 6.33
India ¹	14. 7.21	Venezuela	20.11.44
Ireland	4. 9.25	Yugoslavia	1. 4.27
Italy	10. 4.23		
Japan	23.11.22		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

3. MATERNITY PROTECTION CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	22.10.52
Argentina	30.11.33	Ivory Coast	5. 5.61
Brazil ¹	26. 4.34	Libyan Arab Jamahiriya	27. 5.71
Bulgaria	14. 2.22	Luxembourg	16. 4.28
Burkina Faso	30. 6.69	Mauritania	8.11.63
Cameroon	25. 5.70	Nicaragua	12. 4.34
Central African Republic ...	9. 6.64	Panama	3. 6.58
Chile	15. 9.25	Romania	13. 6.21
Colombia	20. 6.33	Spain	4. 7.23
Cuba	6. 8.28	Uruguay ¹	6. 6.33
France	16.12.50	Venezuela	20.11.44
Gabon	13. 6.61	Yugoslavia	1. 4.27
Fed. Rep. of Germany	31.10.27		
Greece	19.11.20		
Guinea	12.12.66		
Hungary	19. 4.28		

¹ Has denounced this Convention
and ratified Convention No. 103

RATIFIED CONVENTIONS

4. NIGHT WORK (WOMEN) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Luxembourg ¹	16. 4.28
Albania ¹	17. 3.32	Madagascar	1.11.60
Angola	4. 6.76	Mali	22. 9.60
Argentina	30.11.33	Mauritania ²	20. 6.61
Austria	12. 6.24	Morocco	13. 6.56
Bangladesh	22. 6.72	Netherlands ²	4. 9.22
Belgium ²	12. 7.24	Nicaragua	12. 4.34
Benin	12.12.60	Niger	27. 2.61
Brazil ²	26. 4.34	Pakistan	14. 7.21
Bulgaria ¹	14. 2.22	Peru	8.11.45
Burkina Faso	21.11.60	Portugal	10. 5.32
Burma ²	14. 7.21	Romania ²	13. 6.21
Burundi	11. 3.63	Rwanda	18. 9.62
Cameroon ²	7. 6.60	Senegal	4.11.60
Central African Republic ...	27.10.60	South Africa ²	1.11.21
Chad	10.11.60	Spain	29. 9.32
Chile ¹	8.10.31	Sri Lanka ²	8.10.51
Colombia	20. 6.33	Switzerland ²	9.10.22
Congo ²	10.11.60	Togo	7. 6.60
Cuba	6. 8.28	Tunisia ²	15. 5.57
Czechoslovakia ²	24. 8.21	United Kingdom ²	14. 7.21
France ²	14. 5.25	Uruguay ²	6. 6.33
Gabon	14.10.60	Venezuela ²	7. 3.33
Greece ²	19.11.20	Viet Nam ²	6. 6.53
Guinea ²	21. 1.59	Yugoslavia ²	1. 4.27
Guinea-Bissau	21. 2.77	Zaire	20. 9.60
Hungary ²	19. 4.28		
India	14. 7.21		
Ireland ²	4. 9.25		
Italy	10. 4.23		
Ivory Coast	21.11.60		
Democratic Kampuchea	24. 2.69		
Lao People's Dem. Rep.	23. 1.64		

¹ Has denounced this Convention.

² Has denounced this Convention
(see under Conventions Nos. 41 and 89
the States which have ratified the
revised Conventions).

RATIFIED CONVENTIONS

5. MINIMUM AGE (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	Kenya ¹	13. 1.64
Argentina	30.11.33	Lesotho	31.10.66
Austria	26. 2.36	Luxembourg ¹	16. 4.28
Bahamas	25. 5.76	Madagascar	1.11.60
Barbados	8. 5.67	Mali	22. 9.60
Belgium	12. 7.24	Malta	4. 1.65
Belize	15.12.83	Mauritania	20. 6.61
Benin	12.12.60	Mauritius	2.12.69
Bolivia	19. 7.54	Netherlands ¹	21. 7.28
Brazil	26. 4.34	Nicaragua ¹	12. 4.34
Bulgaria ¹	14. 2.22	Niger ¹	27. 2.61
Burkina Faso	21.11.60	Norway ¹	7. 7.37
Cameroon	7. 6.60	Poland ¹	21. 6.24
Central African Republic ...	27.10.60	Romania ¹	13. 6.21
Chad	10.11.60	Saint Lucia	14. 5.80
Chile	15. 9.25	Senegal	4.11.60
Colombia	20. 6.33	Seychelles	6. 2.78
Comoros	23.10.78	Sierra Leone	15. 6.61
Congo	10.11.60	Singapore	25.10.65
Cuba ¹	6. 8.28	Spain ¹	29. 9.32
Czechoslovakia	24. 8.21	Sri Lanka	27. 9.51
Denmark	4. 1.23	Swaziland	26. 4.78
Djibouti	3. 8.78	Switzerland	9.10.22
Dominican Republic	4. 2.33	Tanzania, United Rep. of:	
Fiji	19. 4.74	Zanzibar	22. 6.64
France	29. 4.39	Togo ¹	7. 6.60
Gabon	14.10.60	Uganda	4. 6.63
Greece	19.11.20	United Kingdom	14. 7.21
Grenada	9. 7.79	Uruguay ¹	6. 6.33
Guinea	21. 1.59	Venezuela	20.11.44
Guyana	8. 6.66	Viet Nam	6. 6.53
Haiti	12. 4.57	Yugoslavia ¹	1. 4.27
India	9. 9.55	Zambia ¹	2.12.64
Ireland ¹	4. 9.25		
Israel ¹	23.12.53		
Ivory Coast	21.11.60		
Japan	7. 8.26		

¹ Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

6. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	Ivory Coast	21.11.60
Algeria	19.10.62	Democratic Kampuchea	24. 2.69
Angola	4. 6.76	Lao People's Dem. Rep.	23. 1.64
Argentina	30.11.33	Luxembourg	16. 4.28
Austria	12. 6.24	Madagascar	1.11.60
Bangladesh	22. 6.72	Mali	22. 9.60
Belgium	12. 7.24	Mauritania	20. 6.61
Benin	12.12.60	Mexico ¹	20. 5.37
Brazil	26. 4.34	Netherlands ¹	17. 3.24
Bulgaria	14. 2.22	Nicaragua	12. 4.34
Burkina Faso	21.11.60	Niger	27. 2.61
Burma	14. 7.21	Pakistan	14. 7.21
Cameroon ¹	7. 6.60	Poland	21. 6.24
Central African Republic ...	27.10.60	Portugal	10. 5.32
Chad	10.11.60	Romania	13. 6.21
Chile	15. 9.25	Senegal	4.11.60
Colombia	13. 4.83	Spain	29. 9.32
Comoros	23.10.78	Sri Lanka ¹	26.10.50
Congo	10.11.60	Switzerland	9.10.22
Cuba	6. 8.28	Togo	7. 6.60
Denmark	4. 1.23	Tunisia ¹	12. 1.59
Djibouti	3. 8.78	United Kingdom ²	14. 7.21
France	25. 8.25	Uruguay ¹	6. 6.33
Gabon	14.10.60	Venezuela	7. 3.33
Greece	19.11.20	Viet Nam	6. 6.53
Guinea ¹	21. 1.59	Yugoslavia ¹	1. 4.27
Guinea-Bissau	21. 2.77		
Hungary	19. 4.28		
India	14. 7.21		
Ireland	4. 9.25		
Italy	10. 4.23		

¹ Has denounced this Convention
and has ratified Convention No. 90.

² Has denounced this Convention.

RATIFIED CONVENTIONS

7. MINIMUM AGE (SEA) CONVENTION, 1920

This Convention came into force on 27 September 1921

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Malta	4. 1.65
Argentina	30.11.33	Mauritius	2.12.69
Australia	28. 6.35	Mexico ¹	17. 8.48
Bahamas	25. 5.76	Netherlands ²	26. 3.25
Barbados	8. 5.67	Nicaragua ²	12. 4.34
Belgium	4. 2.25	Norway ²	7.10.27
Belize	15.12.83	Papua New Guinea	1. 5.76
Brazil ¹	8. 6.36	Poland ²	21. 6.24
Bulgaria ²	16. 3.23	Portugal	24.10.60
Canada	31. 3.26	Romania ²	8. 5.22
Chile	18.10.35	Saint Lucia	14. 5.80
China	2.12.36	Seychelles	6. 2.78
Colombia	20. 6.33	Sierra Leone	15. 6.61
Cuba ²	6. 8.28	Singapore	25.10.65
Denmark	12. 5.24	Spain ²	20. 6.24
Dominican Republic	4. 2.33	Sri Lanka	2. 9.50
Finland ²	10.10.25	Sweden	27. 9.21
Fed. Rep. of Germany ²	11. 6.29	Tanzania, United Rep. of:	
Greece	16.12.25	Zanzibar	22. 6.64
Grenada	9. 7.79	United Kingdom	14. 7.21
Guinea-Bissau	21. 2.77	Uruguay ²	6. 6.33
Guyana	8. 6.66	Venezuela	20.11.44
Hungary	1. 3.28	Yugoslavia ²	1. 4.27
Ireland ²	4. 9.25		
Italy ²	14. 7.32		
Jamaica	8. 7.63		
Japan	7. 6.24		
Luxembourg ²	16. 4.28		
Malaysia:			
Sarawak	3. 3.64		

¹ Has denounced this Convention
and has ratified Convention No. 58.

² Convention denounced as a result
of the ratification of Convention
No. 138.

RATIFIED CONVENTIONS

8. UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920

This Convention came into force on 16 March 1923

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Mexico	20. 5.37
Australia	28. 6.35	Netherlands	15.12.37
Belgium	4. 2.25	New Zealand	11. 1.80
Belize	15.12.83	Nicaragua	12. 4.34
Bulgaria	16. 3.23	Nigeria	16. 6.61
Canada	31. 3.26	Norway	21. 7.36
Chile	18.10.35	Panama	19. 6.70
Colombia	20. 6.33	Papua New Guinea	1. 5.76
Cuba	6. 8.28	Peru	4. 4.62
Denmark	15. 2.38	Poland	21. 6.24
Dominica	28. 2.83	Portugal	19. 5.81
Fiji	19. 4.74	Romania	10.11.30
Finland	20. 1.50	Saint Lucia	14. 5.80
France	21. 3.29	Seychelles	6. 2.78
Fed. Rep. of Germany	4. 3.30	Sierra Leone	15. 6.61
Ghana	18. 3.65	Singapore	25.10.65
Greece	16.12.25	Solomon Islands	6. 8.85
Grenada	9. 7.79	Spain	20. 6.24
Iraq	19. 4.66	Sri Lanka	25. 4.51
Ireland	5. 7.30	Sweden	1. 1.35
Italy	8. 9.24	Switzerland	21. 4.60
Jamaica	8. 7.63	Tunisia	14. 4.70
Japan	22. 8.55	United Kingdom	12. 3.26
Luxembourg	16. 4.28	Uruguay	6. 6.33
Malta	4. 1.65	Yugoslavia	30. 9.29
Mauritius	2.12.69		

RATIFIED CONVENTIONS

9. PLACING OF SEAMEN CONVENTION, 1920

This Convention came into force on 23 November 1921

States	Ratification registered on	States	Ratification registered on
Argentina	30.11.33	Italy	8. 9.24
Australia	3. 8.25	Japan	23.11.22
Belgium	4. 2.25	Luxembourg	16. 4.28
Bulgaria	16. 3.23	Mexico	1. 9.39
Cameroon	25. 5.70	Netherlands	9. 1.48
Chile	18.10.35	New Zealand	29. 3.38
Colombia	20. 6.33	Nicaragua	12. 4.34
Cuba	6. 8.28	Norway	23.11.21
Denmark	23. 8.38	Panama	19. 6.70
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Poland	21. 6.24
Finland	7.10.22	Romania	10.11.30
France	25. 1.28	Spain	23. 2.31
Fed. Rep. of Germany	6. 6.25	Sweden	27. 9.21
Greece	16.12.25	Uruguay	6. 6.33
Israel	19. 6.69	Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

10. MINIMUM AGE (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 31 August 1923

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Ireland ¹	26. 5.25
Algeria ¹	19.10.62	Israel ¹	23.12.53
Argentina	26. 5.36	Italy ¹	8. 9.24
Australia	24.12.57	Japan	19.12.23
Austria	12. 6.24	Luxembourg ¹	16. 4.28
Bahamas	25. 5.76	Malta	4. 1.65
Barbados	2.10.78	Netherlands ¹	28.11.56
Belgium	13. 6.28	New Zealand	8. 7.47
Belize	15.12.83	Nicaragua ¹	12. 4.34
Bulgaria ¹	6. 3.25	Norway ¹	28. 1.57
Byelorussian SSR ¹	6.11.56	Panama	19. 6.70
Cameroon	25. 5.70	Papua New Guinea	1. 5.76
Central African Republic ...	9. 6.64	Peru	1. 2.60
Chile	18.10.35	Poland ¹	21. 6.24
Colombia	13. 4.83	Romania ¹	10.11.30
Comoros	23.10.78	Senegal	22.10.62
Cuba ¹	22. 8.35	Seychelles	6. 2.78
Czechoslovakia	31. 8.23	Spain ¹	29. 8.32
Djibouti	3. 8.78	Sweden	27.11.23
Dominican Republic	4. 2.33	Ukrainian SSR ¹	14. 9.56
France	7. 6.51	USSR ¹	10. 8.56
Gabon	13. 6.61	United Kingdom	11. 7.63
Fed. Rep. of Germany ¹	20. 3.57	Uruguay ¹	6. 6.33
Grenada	9. 7.79		
Guinea	12.12.66		
Guyana	8. 6.66		
Hungary	2. 2.27		

¹ Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

11. RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 11 May 1923

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Ivory Coast	21.11.60
Algeria	19.10.62	Jamaica	8. 7.63
Antigua and Barbuda	2. 2.83	Kenya	13. 1.64
Argentina	26. 5.36	Lesotho	31.10.66
Australia	24.12.57	Luxembourg	16. 4.28
Austria	12. 6.24	Madagascar	1.11.60
Bahamas	25. 5.76	Malawi	22. 3.65
Bangladesh	22. 6.72	Malaysia:	
Barbados	8. 5.67	Peninsular Malaysia	11. 1.60
Belgium	19. 7.26	Sarawak	3. 3.64
Belize	15.12.83	Mali	22. 9.60
Benin	12.12.60	Malta	4. 1.65
Brazil	25. 4.57	Mauritania	20. 6.61
Bulgaria	6. 3.25	Mauritius	2.12.69
Burkina Faso	21.11.60	Mexico	20. 5.37
Burma	11. 5.23	Morocco	20. 5.57
Burundi	11. 3.63	Mozambique	6. 6.77
Byelorussian SSR	6.11.56	Netherlands	20. 8.26
Cameroon	7. 6.60	New Zealand	29. 3.38
Central African Republic ...	27.10.60	Nicaragua	12. 4.34
Chad	10.11.60	Niger	27. 2.61
Chile	15. 9.25	Nigeria	16. 6.61
China	27. 4.34	Norway	11. 6.29
Colombia	20. 6.33	Pakistan	11. 5.23
Comoros	23.10.78	Panama	19. 6.70
Congo	10.11.60	Papua New Guinea	1. 5.76
Costa Rica	16. 9.63	Paraguay	16. 5.68
Cuba	22. 8.35	Peru	8.11.45
Cyprus	8.10.65	Poland	21. 6.24
Czechoslovakia	31. 8.23	Portugal	27. 9.77
Denmark	20. 6.30	Romania	10.11.30
Djibouti	3. 8.78	Rwanda	18. 9.62
Dominica	28. 2.83	Saint Lucia	14. 5.80
Ecuador	10. 3.69	Senegal	4.11.60
Egypt	3. 7.54	Seychelles	6. 2.78
Ethiopia	4. 6.63	Singapore	25.10.65
Fiji	19. 4.74	Solomon Islands	6. 8.85
Finland	19. 6.23	Spain	29. 8.32
France	23. 3.29	Sri Lanka	25. 8.52
Gabon	14.10.60	Suriname	15. 6.76
German Democratic Republic .	1. 1.74	Swaziland	26. 4.78
Fed. Rep. of Germany	6. 6.25	Sweden	27.11.23
Ghana	14. 3.68	Switzerland	23. 5.40
Greece	13. 6.52	Syrian Arab Republic	26. 7.60
Grenada	9. 7.79	Tanzania, United Rep. of:	
Guinea	21. 1.59	Tanganyika	19.11.62
Guyana	8. 6.66	Zanzibar	22. 6.64
Iceland	21. 8.56	Togo	7. 6.60
India	11. 5.23	Tunisia	15. 5.57
Iraq	1. 4.85	Turkey	29. 3.61
Ireland	17. 6.24	Uganda	4. 6.63
Italy	8. 9.24	Ukrainian SSR	14. 9.56

RATIFIED CONVENTIONS

11. RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921 (continued)

States	Ratification registered on	States	Ratification registered on
USSR	10. 8.56	Yugoslavia	30. 9.29
United Kingdom	6. 8.23	Zaire	20. 9.60
Uruguay	6. 6.33	Zambia	2.12.64
Venezuela	20.11.44		

12. WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 26 February 1923

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Malaysia:	
Antigua and Barbuda	2. 2.83	Peninsular Malaysia	5. 6.61
Argentina	26. 5.36	Sarawak	3. 3.64
Australia	7. 6.60	Malta	4. 1.65
Austria	14. 6.54	Mauritius	2.12.69
Bahamas	25. 5.76	Mexico	1.11.37
Barbados	8. 5.67	Morocco	20. 9.56
Belgium	26.10.32	Netherlands	20. 8.26
Belize	15.12.83	New Zealand	29. 3.38
Brazil	25. 4.57	Nicaragua	12. 4.34
Bulgaria	6. 3.25	Norway	22. 1.63
Burundi	11. 3.63	Panama	3. 6.58
Chile	15. 9.25	Papua New Guinea	1. 5.76
Colombia	20. 6.33	Peru	4. 4.62
Comoros	23.10.78	Poland	21. 6.24
Cuba	22. 8.35	Portugal	16. 5.60
Czechoslovakia	12. 6.50	Rwanda	18. 9.62
Denmark	26. 2.23	Saint Lucia	14. 5.80
Djibouti	3. 8.78	Senegal	22.10.62
Dominica	28. 2.83	Singapore	25.10.65
El Salvador	11.10.55	Solomon Islands	6. 8.85
Fiji	19. 4.74	Spain	1.10.31
Finland	20. 1.50	Swaziland	26. 4.78
France	4. 4.28	Sweden	27.11.23
Gabon	13. 6.61	Tanzania, United Rep. of:	
Fed. Rep. of Germany	6. 6.25	Tanganyika	19.11.62
Grenada	9. 7.79	Zanzibar	22. 6.64
Guinea-Bissau	21. 2.77	Tunisia	15. 5.57
Guyana	8. 6.66	Uganda	4. 6.63
Haiti	19. 4.55	United Kingdom	6. 8.23
Hungary	8. 6.56	Uruguay ¹	6. 6.33
Ireland	17. 6.24	Yugoslavia	27. 1.58
Italy	1. 9.30	Zaire	20. 9.60
Kenya	13. 1.64	Zambia	2.12.64
Luxembourg	16. 4.28		
Madagascar	10. 8.62		
Malawi	22. 3.65		

¹ Has denounced this Convention and has ratified Convention No. 121.

RATIFIED CONVENTIONS

13. WHITE LEAD (PAINTING) CONVENTION, 1921

This Convention came into force on 31 August 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Ivory Coast	21.11.60
Algeria	19.10.62	Democratic Kampuchea	24. 2.69
Argentina	26. 5.36	Lao People's Dem. Rep.	23. 1.64
Austria	12. 6.24	Luxembourg	16. 4.28
Belgium	19. 7.26	Madagascar	1.11.60
Benin	12.12.60	Mali	22. 9.60
Bulgaria	6. 3.25	Mauritania	20. 6.61
Burkina Faso	21.11.60	Mexico	7. 1.38
Cameroon	7. 6.60	Morocco	13. 6.56
Central African Republic ...	27.10.60	Netherlands	15.12.39
Chad	10.11.60	Nicaragua	12. 4.34
Chile	15. 9.25	Niger	27. 2.61
Colombia	20. 6.33	Norway	11. 6.29
Comoros	23.10.78	Panama	19. 6.70
Congo	10.11.60	Poland	21. 6.24
Cuba	7. 7.28	Romania	4.12.25
Czechoslovakia	31. 8.23	Senegal	4.11.60
Djibouti	3. 8.78	Spain	20. 6.24
Finland	5. 4.29	Suriname	15. 6.76
France	19. 2.26	Sweden	27.11.23
Gabon	14.10.60	Togo	7. 6.60
Greece	22.12.26	Tunisia	12. 6.56
Guinea	21. 1.59	Uruguay	6. 6.33
Hungary	8. 6.56	Venezuela	28. 4.33
Iraq	19. 4.66	Viet Nam	6. 6.53
Italy	22.10.52	Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

14. WEEKLY REST (INDUSTRY) CONVENTION, 1921

This Convention came into force on 19 June 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Ivory Coast	21.11.60
Algeria	19.10.62	Kenya	13. 1.64
Angola	4. 6.76	Lebanon	26. 7.62
Antigua and Barbuda	2. 2.83	Lesotho	31.10.66
Argentina	26. 5.36	Libyan Arab Jamahiriya	27. 5.71
Bahamas	25. 5.76	Luxembourg	16. 4.28
Bahrain	11. 6.81	Madagascar	1.11.60
Bangladesh	22. 6.72	Malaysia:	
Belgium	19. 7.26	Sarawak	3. 3.64
Benin	12.12.60	Mali	22. 9.60
Bolivia	19. 7.54	Mauritania	20. 6.61
Brazil	25. 4.57	Mauritius	2.12.69
Bulgaria	6. 3.25	Mexico	7. 1.38
Burkina Faso	21.11.60	Morocco	20. 9.56
Burma	11. 5.23	Mozambique	6. 6.77
Burundi	11. 3.63	Netherlands	14. 7.65
Byelorussian SSR	26. 2.68	New Zealand	29. 3.38
Cameroon	7. 6.60	Nicaragua	12. 4.34
Canada	21. 3.35	Niger	27. 2.61
Central African Republic ...	27.10.60	Norway	7. 7.37
Chad	10.11.60	Pakistan	11. 5.23
Chile	15. 9.25	Paraguay	21. 3.66
China	17. 5.34	Peru	8.11.45
Colombia	20. 6.33	Poland	21. 6.24
Comoros	23.10.78	Portugal	3. 7.28
Congo	10.11.60	Romania	18. 8.23
Costa Rica	25. 9.84	Rwanda	18. 9.62
Cuba	20. 7.53	Saint Lucia	14. 5.80
Czechoslovakia	31. 8.23	Saudi Arabia	15. 6.78
Denmark	30. 8.35	Senegal	4.11.60
Djibouti	3. 8.78	Solomon Islands	6. 8.85
Dominica	28. 2.83	Spain	20. 6.24
Egypt	10. 5.60	Suriname	15. 6.76
Equatorial Guinea	12. 6.85	Swaziland	26. 4.78
Finland	19. 6.23	Sweden	22.12.31
France	3. 9.26	Switzerland	16. 1.35
Gabon	14.10.60	Syrian Arab Republic	10. 5.60
Ghana	19. 6.73	Thailand	5. 4.68
Greece	11. 5.29	Togo	7. 6.60
Grenada	9. 7.79	Tunisia	15. 5.57
Guinea	21. 1.59	Turkey	27.12.46
Guinea-Bissau	21. 2.77	Ukrainian SSR	19. 6.68
Haiti	14. 5.52	USSR	22. 9.67
Honduras	17.11.64	Uruguay	6. 6.33
Hungary	8. 6.56	Venezuela	20.11.44
India	11. 5.23	Viet Nam	14. 6.55
Iran, Islamic Republic of ..	10. 6.72	Yemen	29. 7.76
Iraq	12. 5.60	Yugoslavia	1. 4.27
Ireland	22. 7.30	Zaire	20. 9.60
Israel	26. 6.51	Zimbabwe	6. 6.80
Italy	8. 9.24		

RATIFIED CONVENTIONS

15. MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Argentina	26. 5.36	Malta	4. 1.65
Australia	28. 6.35	Mauritania	8.11.63
Bangladesh	22. 6.72	Mauritius	2.12.69
Belgium	19. 7.26	Morocco	14. 3.58
Belize	15.12.83	Netherlands ¹	17. 6.31
Bulgaria ¹	6. 3.25	New Zealand ¹	26.11.59
Burma	20.11.22	Nicaragua ¹	12. 4.34
Byelorussian SSR ¹	6.11.56	Nigeria	17.10.60
Cameroon	3. 9.62	Norway ¹	7.10.27
Canada	31. 3.26	Pakistan	20.11.22
Chile	18.10.35	Panama	19. 6.70
China	2.12.36	Poland ¹	21. 6.24
Colombia	20. 6.33	Romania ¹	18. 8.23
Cuba ¹	7. 7.28	Saint Lucia	14. 5.80
Cyprus	23. 9.60	Seychelles	6. 2.78
Democratic Yemen	14. 4.69	Sierra Leone	13. 6.61
Denmark	12. 5.24	Singapore	25.10.65
Djibouti	3. 8.78	Spain ¹	20. 6.24
Finland ¹	10.10.25	Sri Lanka	25. 4.51
France	16. 1.28	Sweden	14. 7.25
Fed. Rep. of Germany ¹	11. 6.29	Switzerland	21. 4.60
Ghana	20. 5.57	Tanzania, United Rep. of:	
Greece	14. 6.30	Tanganyika	30. 1.62
Grenada	9. 7.79	Zanzibar	22. 6.64
Guyana	8. 6.66	Trinidad and Tobago	24. 5.63
Hungary	1. 3.28	Turkey	29. 9.59
Iceland	21. 8.56	Ukrainian SSR ¹	14. 9.56
India	20.11.22	USSR ¹	10. 8.56
Iraq ¹	19. 4.66	United Kingdom	8. 3.26
Ireland ¹	5. 7.30	Uruguay ¹	6. 6.33
Italy ¹	8. 9.24	Yugoslavia ¹	1. 4.27
Jamaica	26.12.62		
Japan	4.12.30		
Kenya ¹	13. 1.64		
Lebanon	1. 6.77		
Luxembourg ¹	16. 4.28		
Malaysia:			
Sabah	3. 3.64		
Sarawak	3. 3.64		

¹ Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

16. MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Luxembourg	16. 4.28
Argentina	26. 5.36	Malaysia:	
Australia	28. 6.35	Sabah	3. 3.64
Bangladesh	22. 6.72	Sarawak	3. 3.64
Belgium	19. 7.26	Malta	4. 1.65
Belize	15.12.83	Mauritius	2.12.69
Brazil	8. 6.36	Mexico	9. 3.38
Bulgaria	6. 3.25	Netherlands	9. 3.28
Burma	20.11.22	New Zealand	5.12.61
Byelorussian SSR	6.11.56	Nicaragua	12. 4.34
Cameroon	3. 9.62	Nigeria	17.10.60
Canada	31. 3.26	Norway	5.12.80
Chile	18.10.35	Pakistan	20.11.22
China	2.12.36	Panama	19. 6.70
Colombia	20. 6.33	Poland	21. 6.24
Cuba	7. 7.28	Romania	18. 8.23
Cyprus	23. 9.60	Saint Lucia	14. 5.80
Democratic Yemen	14. 4.69	Seychelles	6. 2.78
Denmark	23. 4.38	Sierra Leone	13. 6.61
Djibouti	3. 8.78	Singapore	25.10.65
Dominica	28. 2.83	Solomon Islands	6. 8.85
Finland	10.10.25	Somalia	18.11.60
France	22. 3.28	Spain	20. 6.24
German Democratic Republic .	1. 1.74	Sri Lanka	25. 4.51
Fed. Rep. of Germany	11. 6.29	Sweden	14. 7.25
Ghana	20. 5.57	Switzerland	21. 4.60
Greece	28. 6.30	Tanzania, United Rep. of:	
Grenada	9. 7.79	Tanganyika	30. 1.62
Guinea	12.12.66	Zanzibar	22. 6.64
Hungary	1. 3.28	Trinidad and Tobago	24. 5.63
India	20.11.22	Tunisia	14. 4.70
Iraq	19. 4.66	Ukrainian SSR	14. 9.56
Ireland	5. 7.30	USSR	10. 8.56
Italy	8. 9.24	United Kingdom	8. 3.26
Jamaica	26.12.62	Uruguay	6. 6.33
Japan	7. 6.24	Yugoslavia	1. 4.27
Kenya	9. 2.71		

RATIFIED CONVENTIONS

17. WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

This Convention came into force on 1 April 1927

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mali	12. 7.68
Angola	4. 6.76	Mauritania	8.11.63
Antigua and Barbuda	2. 2.83	Mauritius	2.12.69
Argentina	14. 3.50	Mexico	12. 5.34
Austria	21. 8.36	Morocco	20. 9.56
Bahamas	25. 5.76	Mozambique	6. 6.77
Barbados	8. 5.67	Netherlands	13. 9.27
Belgium	3.10.27	New Zealand	29. 3.38
Bolivia	15.11.73	Nicaragua	12. 4.34
Bulgaria	5. 9.29	Panama	3. 6.58
Burkina Faso	30. 6.69	Philippines	17.11.60
Burma	16. 2.56	Poland	3.11.37
Burundi	11. 3.63	Portugal	27. 3.29
Cape Verde	3. 4.79	Rwanda	18. 9.62
Central African Republic ...	9. 6.64	Saint Lucia	14. 5.80
Chile	8.10.31	Sao Tome and Principe	1. 6.82
Colombia	20. 6.33	Sierra Leone	13. 6.61
Comoros	23.10.78	Somalia	18.11.60
Cuba	6. 8.28	Spain	22. 2.29
Czechoslovakia	12. 6.50	Suriname	15. 6.76
Djibouti	3. 8.78	Sweden ¹	8. 9.26
Egypt	10. 5.60	Syrian Arab Republic	10. 5.60
Finland	20. 1.50	Tanzania, United Rep. of:	
France	17. 5.48	Tanganyika	30. 1.62
Fed. Rep. of Germany	14. 6.55	Zanzibar	22. 6.64
Greece	13. 6.52	Tunisia	15. 5.57
Guinea	12.12.66	Uganda	4. 6.63
Guinea-Bissau	21. 2.77	United Kingdom	28. 6.49
Haiti	19. 4.55	Uruguay ¹	6. 6.33
Hungary	19. 4.28	Yugoslavia	1. 4.27
Iraq	5. 7.60	Zaire	20. 9.60
Kenya	13. 1.64	Zambia	2.12.64
Lebanon	1. 6.77		
Luxembourg	16. 4.28		
Malaysia:			
Peninsular Malaysia	11.11.57		

¹ Has denounced this Convention
and has ratified Convention No. 121.

RATIFIED CONVENTIONS

18. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925

This Convention came into force on 1 April 1927

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Luxembourg	16. 4.28
Angola	4. 6.76	Mali	22. 9.60
Argentina	24. 9.56	Mauritania	20. 6.61
Australia	22. 4.59	Morocco	20. 9.56
Austria	29. 9.28	Mozambique	6. 6.77
Bangladesh	22. 6.72	Netherlands ¹	1.11.28
Belgium	3.10.27	Nicaragua	12. 4.34
Benin	12.12.60	Niger	27. 2.61
Bulgaria	5. 9.29	Norway	11. 6.29
Burkina Faso	21.11.60	Pakistan	30. 9.27
Burma	30. 9.27	Papua New Guinea	1. 5.76
Burundi	11. 3.63	Poland	3.11.37
Central African Republic ...	9. 6.64	Portugal	27. 3.29
Chile	31. 5.33	Rwanda	18. 9.62
Colombia	20. 6.33	Sao Tome and Principe	1. 6.82
Comoros	23.10.78	Senegal ¹	4.11.60
Cuba	6. 8.28	Spain	29. 9.32
Czechoslovakia	19. 9.32	Sri Lanka	17. 5.52
Denmark	18. 6.34	Sweden ¹	15.10.29
Djibouti	3. 8.78	Switzerland	16.11.27
Egypt	10. 5.60	Syrian Arab Republic	10. 5.60
Finland	17. 9.27	Tunisia	12. 1.59
France	13. 8.31	United Kingdom ²	6.10.26
Fed. Rep. of Germany	18. 9.28	Uruguay ¹	6. 6.33
Guinea	21. 1.59	Yugoslavia	1. 4.27
Guinea-Bissau	21. 2.77	Zaire	20. 9.60
Hungary	19. 4.28	Zambia	22. 2.65
India	30. 9.27		
Iraq	26.11.38		
Ireland ¹	25.11.27		
Italy	22. 1.34		
Ivory Coast	21.11.60		
Japan	8.10.28		

¹ Has denounced this Convention
and has ratified Convention No. 121.

² Has denounced this Convention
and has ratified Convention No. 42.

RATIFIED CONVENTIONS

19. EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

This Convention came into force on 8 September 1926

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	15. 3.28
Angola	4. 6.76	Ivory Coast	5. 5.61
Antigua and Barbuda	2. 2.83	Jamaica	26.12.62
Argentina	14. 3.50	Japan	8.10.28
Australia	12. 6.59	Kenya	13. 1.64
Austria	29. 9.28	Lebanon	1. 6.77
Bahamas	25. 5.76	Lesotho	31.10.66
Bangladesh	22. 6.72	Luxembourg	16. 4.28
Barbados	8. 5.67	Madagascar	10. 8.62
Belgium	3.10.27	Malawi	22. 3.65
Belize	15.12.83	Malaysia:	
Bolivia	19. 7.54	Peninsular Malaysia	11.11.57
Brazil	25. 4.57	Sarawak	3. 3.64
Bulgaria	5. 9.29	Mali	17. 8.64
Burkina Faso	30. 6.69	Malta	4. 1.65
Burma	30. 9.27	Mauritania	8.11.63
Burundi	11. 3.63	Mauritius	2.12.69
Cameroon	3. 9.62	Mexico	12. 5.34
Central African Republic ...	9. 6.64	Morocco	13. 6.56
Chile	8.10.31	Netherlands	13. 9.27
China	27. 4.34	Nicaragua	12. 4.34
Colombia	20. 6.33	Nigeria	17.10.60
Comoros	23.10.78	Norway	11. 6.29
Cuba	6. 8.28	Pakistan	30. 9.27
Cyprus	23. 9.60	Panama	19. 6.70
Czechoslovakia	8. 2.27	Papua New Guinea	1. 5.76
Democratic Yemen	14. 4.69	Peru	8.11.45
Denmark	31. 3.28	Poland	28. 2.28
Djibouti	3. 8.78	Portugal	27. 3.29
Dominica	28. 2.83	Rwanda	18. 9.62
Dominican Republic	5.12.56	Saint Lucia	14. 5.80
Egypt	29.11.48	Sao Tome and Principe	1. 6.82
Fiji	19. 4.74	Senegal	22.10.62
Finland	17. 9.27	Sierra Leone	13. 6.61
France	4. 4.28	Singapore	25.10.65
Gabon	13. 6.61	Solomon Islands	6. 8.85
Fed. Rep. of Germany	18. 9.28	Somalia	18.11.60
Ghana	20. 5.57	South Africa	30. 3.26
Greece	30. 5.36	Spain	22. 2.29
Grenada	9. 7.79	Sudan	18. 6.57
Guatemala	2. 8.61	Suriname	15. 6.76
Guinea-Bissau	21. 2.77	Swaziland	26. 4.78
Guyana	8. 6.66	Sweden	8. 9.26
Haiti	19. 4.55	Switzerland	1. 2.29
Hungary	19. 4.28	Syrian Arab Republic	26. 7.60
India	30. 9.27	Tanzania, United Rep. of:	
Indonesia	12. 6.50	Tanganyika	30. 1.62
Iran, Islamic Republic of ..	10. 6.72	Zanzibar	22. 6.64
Iraq	30. 4.40	Thailand	5. 4.68
Ireland	5. 7.30	Trinidad and Tobago	24. 5.63
Israel	5. 5.58	Tunisia	12. 6.56

RATIFIED CONVENTIONS

19. EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925 (continued)

States	Ratification registered on	States	Ratification registered on
Uganda	4. 6.63	Yugoslavia	1. 4.27
United Kingdom	6.10.26	Zaire	20. 9.60
Uruguay	6. 6.33	Zambia	2.12.64
Venezuela	20.11.44	Zimbabwe	6. 6.80

20. NIGHT WORK (BAKERIES) CONVENTION, 1925

This Convention came into force on 26 May 1928

States	Ratification registered on	States	Ratification registered on
Argentina ¹	17. 2.55	Luxembourg	16. 4.28
Bolivia	15.11.73	Nicaragua ¹	12. 4.34
Bulgaria	5. 9.29	Panama	19. 6.70
Chile	31. 5.33	Peru	4. 4.62
Colombia	20. 6.33	Spain	29. 8.32
Cuba	6. 8.28	Sweden ¹	5. 1.40
Finland ¹	26. 5.28	Uruguay ¹	6. 6.33
Ireland ¹	15. 3.37		
Israel	26. 7.51		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

21. INSPECTION OF EMIGRANTS CONVENTION, 1926

This Convention came into force on 29 December 1927

States	Ratification registered on	States	Ratification registered on
Albania	17. 3.32	Japan	8.10.28
Argentina	14. 3.50	Luxembourg	16. 4.28
Australia	18. 4.31	Mexico	9. 3.38
Austria	29.12.27	Netherlands	13. 9.27
Bangladesh	22. 6.72	New Zealand ²	29. 3.38
Belgium	15. 2.28	Nicaragua	12. 4.34
Brazil	18. 6.65	Norway	28. 1.57
Bulgaria	29.11.29	Pakistan	14. 1.28
Burma	14. 1.28	Panama	19. 6.70
Colombia	20. 6.33	Sweden	28. 1.57
Cuba	7. 9.54	United Kingdom ¹	16. 9.27
Czechoslovakia	25. 5.28	Uruguay	6. 6.33
Denmark	18. 5.55	Venezuela	20.11.44
Finland	5. 4.29		
France ¹	13. 1.32		
Hungary	3. 2.31		
India	14. 1.28		
Ireland	5. 7.30		

¹ Conditional ratification.

² Has denounced this Convention.

RATIFIED CONVENTIONS

22. SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926

This Convention came into force on 4 April 1928

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Japan	22. 8.55
Australia	1. 4.35	Liberia	21. 6.77
Bahamas	25. 5.76	Luxembourg	16. 4.28
Bangladesh	22. 6.72	Malta	4. 1.65
Barbados	8. 5.67	Mauritania	8.11.63
Belgium	3.10.27	Mexico	12. 5.34
Belize	15.12.83	Morocco	14. 3.58
Brazil	18. 6.65	Netherlands	15.12.37
Bulgaria	29.11.29	New Zealand	29. 3.38
Burma	31.10.32	Nicaragua	12. 4.34
Canada	30. 6.38	Norway	29. 3.40
Chile	18.10.35	Pakistan	31.10.32
China	2.12.36	Panama	19. 6.70
Colombia	20. 6.33	Papua New Guinea	1. 5.76
Cuba	7. 7.28	Peru	4. 4.62
Djibouti	3. 8.78	Poland	8. 8.31
Dominica	28. 2.83	Portugal	23. 5.83
Egypt	4. 8.82	Sierra Leone	15. 6.61
Finland	8. 4.47	Singapore	25.10.65
France	4. 4.28	Somalia	18.11.60
Fed. Rep. of Germany	20. 9.30	Spain	23. 2.31
Ghana	18. 3.65	Tunisia	14. 4.70
India	31.10.32	United Kingdom	14. 6.29
Iraq	4.10.66	Uruguay	6. 6.33
Ireland	5. 7.30	Venezuela	20.11.44
Italy	10.10.29	Yugoslavia	30. 9.29

RATIFIED CONVENTIONS

23. REPATRIATION OF SEAMEN CONVENTION, 1926

This Convention came into force on 16 April 1928

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Mexico	12. 5.34
Belgium	3.10.27	Netherlands	5. 5.48
Bulgaria	29.11.29	New Zealand	11. 1.80
China	2.12.36	Nicaragua	12. 4.34
Colombia	20. 6.33	Panama	19. 6.70
Cuba	7. 7.28	Peru	4. 4.62
Djibouti	3. 8.78	Philippines	17.11.60
Egypt	4. 8.82	Poland	8. 8.31
France	4. 3.29	Portugal	23. 5.83
German Democratic Republic .	1. 1.74	Somalia	18.11.60
Fed. Rep. of Germany	14. 3.30	Spain	23. 2.31
Ghana	18. 3.65	Switzerland	21. 4.60
Greece	6. 5.81	Tunisia	14. 4.70
Iraq	23. 9.76	Ukrainian SSR	17. 6.70
Ireland	5. 7.30	USSR	4.11.69
Italy	10.10.29	United Kingdom	3. 6.85
Liberia	21. 6.77	Uruguay	6. 6.33
Luxembourg	16. 4.28	Yugoslavia	30. 9.29
Mauritania	8.11.63		

24. SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927

This Convention came into force on 15 July 1928

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Netherlands	15.11.65
Austria	18. 2.29	Nicaragua	12. 4.34
Bulgaria	1.11.30	Norway	29. 5.61
Chile	8.10.31	Peru	8.11.45
Colombia	20. 6.33	Poland	29. 9.48
Czechoslovakia ¹	17. 1.29	Romania	28. 6.29
Djibouti	3. 8.78	Spain	29. 9.32
Ecuador	5. 2.62	United Kingdom	20. 2.31
France	17. 5.48	Uruguay ¹	6. 6.33
Fed. Rep. of Germany	23. 1.28	Yugoslavia	30. 9.29
Haiti	19. 4.55		
Hungary	19. 4.28		
Luxembourg	16. 4.28		

¹ Has denounced this Convention and has ratified Convention No. 130.

RATIFIED CONVENTIONS

25. SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927

This Convention came into force on 15 July 1928

States	Ratification registered on	States	Ratification registered on
Austria	18. 2.29	Norway	29. 5.61
Bulgaria	1.11.30	Peru	1. 2.60
Chile	8.10.31	Poland	29. 9.48
Colombia	20. 6.33	Spain	29. 9.32
Czechoslovakia ¹	17. 1.29	United Kingdom	20. 2.31
Fed. Rep. of Germany	23. 1.28	Uruguay ¹	6. 6.33
Haiti	19. 4.55	Yugoslavia	21. 5.52
Luxembourg	16. 4.28		
Netherlands	15.11.65		
Nicaragua	12. 4.34		

¹ Has denounced this Convention
and has ratified Convention No. 130.

RATIFIED CONVENTIONS

26. MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928

This Convention came into force on 14 June 1930

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Lebanon	26. 7.62
Argentina	14. 3.50	Lesotho	31.10.66
Australia	9. 3.31	Libyan Arab Jamahiriya	27. 5.71
Austria	15. 3.74	Luxembourg	3. 3.58
Bahamas	25. 5.76	Madagascar	1.11.60
Barbados	8. 5.67	Malawi	22. 3.65
Belgium	11. 8.37	Mali	22. 9.60
Belize	15.12.83	Malta	4. 1.65
Benin	12.12.60	Mauritania	20. 6.61
Bolivia	19. 7.54	Mauritius	2.12.69
Brazil	25. 4.57	Mexico	12. 5.34
Bulgaria	4. 6.35	Morocco	14. 3.58
Burkina Faso	21.11.60	Netherlands	10.11.36
Burma	21. 5.54	New Zealand	29. 3.38
Burundi	11. 3.63	Nicaragua	12. 4.34
Cameroon	7. 6.60	Niger	27. 2.61
Canada	25. 4.35	Nigeria	16. 6.61
Central African Republic ...	27.10.60	Norway	7. 7.33
Chad	10.11.60	Panama	19. 6.70
Chile	31. 5.33	Papua New Guinea	1. 5.76
China	5. 5.30	Paraguay	24. 6.64
Colombia	20. 6.33	Peru	4. 4.62
Comoros	23.10.78	Portugal	10.11.59
Congo	10.11.60	Rwanda	18. 9.62
Costa Rica	16. 3.72	Saint Lucia	14. 5.80
Cuba	24. 2.36	Senegal	4.11.60
Czechoslovakia	12. 6.50	Seychelles	6. 2.78
Djibouti	3. 8.78	Sierra Leone	15. 6.61
Dominica	28. 2.83	Solomon Islands	6. 8.85
Dominican Republic	5.12.56	South Africa	28.12.32
Ecuador	6. 7.54	Spain	8. 4.30
Egypt	10. 5.60	Sri Lanka	9. 6.71
Fiji	19. 4.74	Sudan	18. 6.57
France	18. 9.30	Swaziland	26. 4.78
Gabon	14.10.60	Switzerland	7. 5.47
Fed. Rep. of Germany	30. 5.29	Syrian Arab Republic	10. 5.60
Ghana	2. 7.59	Tanzania, United Rep. of:	
Grenada	9. 7.79	Tanganyika	19.11.62
Guatemala	4. 5.61	Zanzibar	22. 6.64
Guinea	21. 1.59	Togo	7. 6.60
Guinea-Bissau	21. 2.77	Tunisia	15. 5.57
Guyana	8. 6.66	Turkey	29. 1.75
Hungary	30. 7.32	Uganda	4. 6.63
India	10. 1.55	United Kingdom ¹	14. 6.29
Iraq	26.11.62	Uruguay	6. 6.33
Ireland	3. 6.30	Venezuela	20.11.44
Italy	9. 9.30	Viet Nam	14. 6.55
Ivory Coast	21.11.60	Zaire	20. 9.60
Jamaica	8. 7.63	Zambia	2.12.64
Japan	29. 4.71		
Kenya	13. 1.64		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

27. MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

This Convention came into force on 9 March 1932

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Japan	16. 3.31
Argentina	14. 3.50	Kenya	9. 2.71
Australia	9. 3.31	Luxembourg	1. 4.31
Austria	16. 8.35	Mexico	12. 5.34
Bangladesh	22. 6.72	Morocco	20. 9.56
Belgium	6. 6.34	Netherlands	4. 1.33
Bulgaria	4. 6.35	Nicaragua	12. 4.34
Burma	7. 9.31	Norway	1. 7.32
Burundi	11. 3.63	Pakistan	7. 9.31
Byelorussian SSR	11. 3.70	Panama	19. 6.70
Canada	30. 6.38	Papua New Guinea	1. 5.76
Chile	31. 5.33	Peru	4. 4.62
China	24. 6.31	Poland	18. 6.32
Cuba	7. 9.54	Portugal	1. 3.32
Czechoslovakia	26. 3.34	Romania	7.12.32
Denmark	1.10.81	South Africa ¹	21. 2.33
Finland	8. 8.32	Spain	29. 8.32
France	29. 7.35	Suriname	15. 6.76
German Democratic Republic .	1. 1.74	Sweden	11. 4.32
Fed. Rep. of Germany	5. 7.33	Switzerland	8.11.34
Greece	30. 5.36	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Honduras	9. 6.80	Uruguay	6. 6.33
Hungary	6.12.37	Venezuela	17.12.32
India	7. 9.31	Viet Nam	6. 6.53
Indonesia	12. 6.50	Yugoslavia	22. 4.33
Iraq	21.11.66	Zaire	20. 9.60
Ireland	5. 7.30		
Italy	18. 7.33		

¹ Conditional ratification.

28. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION, 1929

This Convention came into force on 1 April 1932

States	Ratification registered on
Ireland ¹	5. 7.30
Luxembourg	1. 4.31
Nicaragua	12. 4.34
Spain ¹	29. 8.32

¹ Convention denounced as a result of the ratification of Convention No. 32.

RATIFIED CONVENTIONS

29. FORCED LABOUR CONVENTION, 1930

This Convention came into force on 1 May 1932

States	Ratification registered on	States	Ratification registered on
Albania	25. 6.57	Honduras	21. 2.57
Algeria	19.10.62	Hungary	8. 6.56
Angola	4. 6.76	Iceland	17. 2.58
Antigua and Barbuda	2. 2.83	India	30.11.54
Argentina	14. 3.50	Indonesia	12. 6.50
Australia	2. 1.32	Iran, Islamic Republic of ..	10. 6.57
Austria	7. 6.60	Iraq	27.11.62
Bahamas	25. 5.76	Ireland	2. 3.31
Bahrain	11. 6.81	Israel	7. 6.55
Bangladesh	22. 6.72	Italy	18. 6.34
Barbados	8. 5.67	Ivory Coast	21.11.60
Belgium	20. 1.44	Jamaica	26.12.62
Belize	15.12.83	Japan	21.11.32
Benin	12.12.60	Jordan	6. 6.66
Brazil	25. 4.57	Democratic Kampuchea	24. 2.69
Bulgaria	22. 9.32	Kenya	13. 1.64
Burkina Faso	21.11.60	Kuwait	23. 9.68
Burma	4. 3.55	Lao People's Dem. Rep.	23. 1.64
Burundi	11. 3.63	Lebanon	1. 6.77
Byelorussian SSR	21. 8.56	Lesotho	31.10.66
Cameroon	7. 6.60	Liberia	1. 5.31
Cape Verde	3. 4.79	Libyan Arab Jamahiriya	13. 6.61
Central African Republic ...	27.10.60	Luxembourg	24. 7.64
Chad	10.11.60	Madagascar	1.11.60
Chile	31. 5.33	Malaysia:	
Colombia	4. 3.69	Peninsular Malaysia	11.11.57
Comoros	23.10.78	Sabah	3. 3.64
Congo	10.11.60	Sarawak	3. 3.64
Costa Rica	2. 6.60	Mali	22. 9.60
Cuba	20. 7.53	Malta	4. 1.65
Cyprus	23. 9.60	Mauritania	20. 6.61
Czechoslovakia	30.10.57	Mauritius	2.12.69
Democratic Yemen	14. 4.69	Mexico	12. 5.34
Denmark	11. 2.32	Morocco	20. 5.57
Djibouti	3. 8.78	Netherlands	31. 3.33
Dominica	28. 2.83	New Zealand	29. 3.38
Dominican Republic	5.12.56	Nicaragua	12. 4.34
Ecuador	6. 7.54	Niger	27. 2.61
Egypt	29.11.55	Nigeria	17.10.60
Fiji	19. 4.74	Norway	1. 7.32
Finland	13. 1.36	Pakistan	23.12.57
France	24. 6.37	Panama	16. 5.66
Gabon	14.10.60	Papua New Guinea	1. 5.76
Fed. Rep. of Germany	13. 6.56	Paraguay	28. 8.67
Ghana	20. 5.57	Peru	1. 2.60
Greece	13. 6.52	Poland	30. 7.58
Grenada	9. 7.79	Portugal	26. 6.56
Guinea	21. 1.59	Romania	28. 5.57
Guinea-Bissau	21. 2.77	Saint Lucia	14. 5.80
Guyana	8. 6.66	Saudi Arabia	15. 6.78
Haiti	4. 3.58	Senegal	4.11.60

RATIFIED CONVENTIONS

29. FORCED LABOUR CONVENTION, 1930 (continued)

States	Ratification registered on	States	Ratification registered on
Seychelles	6. 2.78	Thailand	26. 2.69
Sierra Leone	13. 6.61	Togo	7. 6.60
Singapore	25.10.65	Trinidad and Tobago	24. 5.63
Solomon Islands	6. 8.85	Tunisia	17.12.62
Somalia	18.11.60	Uganda	4. 6.63
Spain	29. 8.32	Ukrainian SSR	10. 8.56
Sri Lanka	5. 4.50	USSR	23. 6.56
Sudan	18. 6.57	United Arab Emirates	27. 5.82
Suriname	15. 6.76	United Kingdom	3. 6.31
Swaziland	26. 4.78	Venezuela	20.11.44
Sweden	22.12.31	Viet Nam	6. 6.53
Switzerland	23. 5.40	Yemen	29. 7.76
Syrian Arab Republic	26. 7.60	Yugoslavia	4. 3.33
Tanzania, United Rep. of:		Zaire	20. 9.60
Tanganyika	30. 1.62	Zambia	2.12.64
Zanzibar	22. 6.64	Zimbabwe	6. 6.80

30. HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930

This Convention came into force on 29 August 1933

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Lebanon	1. 6.77
Austria ¹	16. 2.33	Luxembourg	3. 3.58
Bolivia	15.11.73	Mexico	12. 5.34
Bulgaria	22. 6.32	Morocco	22. 7.74
Chile	18.10.35	Mozambique	6. 6.77
Colombia	4. 3.69	New Zealand	29. 3.38
Cuba	24. 2.36	Nicaragua	12. 4.34
Egypt	10. 5.60	Norway	29. 6.53
Equatorial Guinea	12. 6.85	Panama	16. 2.59
Finland	13. 1.36	Paraguay	21. 3.66
Ghana	19. 6.73	Saudi Arabia	15. 6.78
Guatemala	4. 8.61	Spain	29. 8.32
Haiti	31. 3.52	Syrian Arab Republic	10. 5.60
Iraq	26.11.62	Uruguay	6. 6.33
Israel	26. 6.51		
Kuwait	21. 9.61		

¹ Conditional ratification.

RATIFIED CONVENTIONS

31. HOURS OF WORK (COAL MINES) CONVENTION, 1931

This Convention has not yet come into force

States	Ratification registered on
Argentina	24. 9.56
Spain	29. 8.32

32. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932

This Convention came into force on 30 October 1934

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	New Zealand	29. 3.38
Argentina	14. 3.50	Nigeria	16. 6.61
Bangladesh	22. 6.72	Norway ¹	23. 6.56
Belgium	2. 7.52	Pakistan	10. 2.47
Bulgaria	29.12.49	Panama	4. 6.71
Byelorussian SSR	11. 3.70	Peru	4. 4.62
Canada	6. 4.46	Sierra Leone	15. 6.61
Chile	18.10.35	Singapore	25.10.65
China	30.11.35	Spain ¹	28. 7.34
Cuba ¹	7. 9.54	Sweden ¹	3. 8.38
Denmark	22. 6.70	Tanzania, United Rep. of: Tanganyika ¹	19.11.62
Finland ¹	23. 8.49	Ukrainian SSR	17. 6.70
France ¹	27. 5.55	USSR	4.11.69
Honduras	17.11.64	United Kingdom	10. 1.35
India	10. 2.47	Uruguay	6. 6.33
Ireland	13. 6.72	Yugoslavia	6. 3.75
Italy	30.10.33		
Kenya	13. 1.64		
Malta	4. 1.65		
Mauritius	2.12.69		
Mexico ¹	12. 5.34		
Netherlands	25. 8.64		

¹ Convention denounced as a result
of the ratification of Convention
No. 152.

RATIFIED CONVENTIONS

33. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932

This Convention came into force on 6 June 1935

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Ivory Coast	21.11.60
Austria	26. 2.36	Madagascar	1.11.60
Belgium	6. 6.34	Mali	22. 9.60
Benin	12.12.60	Mauritania	20. 6.61
Burkina Faso	21.11.60	Netherlands ¹	12. 7.35
Cameroon	7. 6.60	Niger ¹	27. 2.61
Central African Republic ...	27.10.60	Senegal	4.11.60
Chad	10.11.60	Spain ¹	22. 6.34
Comoros	23.10.78	Togo ¹	7. 6.60
Congo	10.11.60	Uruguay ¹	6. 6.33
Cuba ¹	24. 2.36		
Djibouti	3. 8.78		
France	29. 4.39		
Gabon	14.10.60		
Guinea	21. 1.59		

¹ Convention denounced as a result of the ratification of Convention No. 138.

34. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

This Convention came into force on 18 October 1936

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Spain ¹	27. 4.35
Bulgaria	29.12.49	Sweden ¹	1. 1.36
Chile	18.10.35	Turkey ¹	27.12.46
Czechoslovakia	12. 6.50		
Finland ¹	13. 1.36		
Mexico	21. 2.38		
Norway ¹	4. 7.49		

¹ Convention denounced as a result of the ratification of Convention No. 96.

RATIFIED CONVENTIONS

35. OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Malta	4. 1.65
Bulgaria	29.12.49	Peru	8.11.45
Chile	18.10.35	Poland	29. 9.48
Czechoslovakia	1. 7.49	United Kingdom	18. 7.36
Djibouti	3. 8.78		
Ecuador ¹	5. 2.62		
France	23. 8.39		
Italy	22.10.47		

¹ Convention denounced as a result
of the ratification of Convention
No. 128 (Part III).

36. OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Italy	22.10.47
Bulgaria	29.12.49	Malta	4. 1.65
Chile	18.10.35	Peru	1. 2.60
Czechoslovakia	1. 7.49	Poland	29. 9.48
Djibouti	3. 8.78	United Kingdom	18. 7.36
France	23. 8.39		

RATIFIED CONVENTIONS

37. INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Bulgaria	29.12.49	Peru	8.11.45
Chile	18.10.35	Poland	29. 9.48
Czechoslovakia	1. 7.49	United Kingdom	18. 7.36
Djibouti	3. 8.78		
Ecuador ¹	5. 2.62		
France	23. 8.39		
Italy	22.10.47		

¹ Convention denounced as a result
of the ratification of Convention
No. 128 (Part II).

38. INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 18 July 1937

States	Ratification registered on	States	Ratification registered on
Bulgaria	29.12.49	Italy	22.10.47
Chile	18.10.35	Peru	1. 2.60
Czechoslovakia	1. 7.49	Poland	29. 9.48
Djibouti	3. 8.78	United Kingdom	18. 7.36
France	23. 8.39		

39. SURVIVORS' INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933

This Convention came into force on 8 November 1946

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	1. 7.49
Ecuador ¹	5. 2.62
Italy	22.10.52
Peru	8.11.45
Poland	29. 9.48
United Kingdom	18. 7.36

¹ Convention denounced as a result
of the ratification of Convention
No. 128 (Part IV).

RATIFIED CONVENTIONS

40. SURVIVORS' INSURANCE (AGRICULTURE) CONVENTION, 1933

This Convention came into force on 29 September 1949

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	1. 7.49
Italy	22.10.52
Peru	1. 2.60
Poland	29. 9.48
United Kingdom	18. 7.36

41. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934

This Convention came into force on 22 November 1936

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6.39	Mauritania ¹	20. 6.61
Argentina	14. 3.50	Morocco	13. 6.56
Belgium ¹	4. 8.37	Netherlands ¹	9.12.35
Benin	12.12.60	New Zealand ¹	29. 3.38
Brazil ¹	8. 6.36	Niger	27. 2.61
Burkina Faso	21.11.60	Pakistan ¹	22.11.35
Burma ²	22.11.35	Peru ¹	8.11.45
Central African Republic ...	27.10.60	Senegal ¹	4.11.60
Chad	10.11.60	South Africa ¹	28. 5.35
Congo ¹	10.11.60	Sri Lanka ¹	2. 9.50
Egypt ¹	11. 7.47	Suriname	15. 6.76
France ¹	25. 1.38	Switzerland ¹	4. 6.36
Gabon	14.10.60	Togo	7. 6.60
Greece ¹	30. 5.36	United Kingdom ²	25. 1.37
Guinea ¹	21. 1.59	Venezuela	20.11.44
Hungary ²	18.12.36		
India ¹	22.11.35		
Iraq ¹	28. 3.38		
Ireland ¹	15. 3.37		
Ivory Coast	21.11.60		
Madagascar	1.11.60		
Mali	22. 9.60		

¹ Convention denounced as a result of the ratification of Convention No. 89.

² Has denounced this Convention.

RATIFIED CONVENTIONS

42. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934

This Convention came into force on 17 June 1936

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	22.10.52
Argentina	14. 3.50	Japan ¹	6. 6.36
Australia	29. 4.59	Luxembourg ¹	3. 3.58
Austria	26. 2.36	Malta	4. 1.65
Bahamas	25. 5.76	Mauritius	2.12.69
Barbados	8. 5.67	Mexico	20. 5.37
Belgium ¹	3. 8.49	Morocco	20. 5.57
Belize	15.12.83	Netherlands ¹	1. 9.39
Bolivia ¹	19. 7.54	New Zealand	29. 3.38
Brazil	8. 6.36	Norway	21. 5.35
Bulgaria	29.12.49	Panama	16. 2.59
Burma	17. 5.57	Papua New Guinea	1. 5.76
Burundi	11. 3.63	Poland	29. 9.48
Comoros	23.10.78	Rwanda	18. 9.62
Cuba	22.10.36	Solomon Islands	6. 8.85
Czechoslovakia	1. 7.49	South Africa	26. 2.52
Denmark	22. 6.39	Spain	24. 6.58
Finland ¹	20. 1.50	Suriname	15. 6.76
France	17. 5.48	Sweden ¹	24. 2.37
Fed. Rep. of Germany ¹	17. 6.55	Turkey	27.12.46
Greece	13. 6.52	United Kingdom	29. 4.36
Guyana	8. 6.66	Uruguay ¹	18. 3.54
Haiti	19. 4.55	Zaire ¹	20. 9.60
Honduras	17.11.64		
Hungary	17. 6.35		
India	13. 1.64		
Iraq	25. 7.41		
Ireland ¹	15. 3.37		

¹ Convention denounced as a result
of the ratification of Convention
No. 121.

43. SHEET-GLASS WORKS CONVENTION, 1934

This Convention came into force on 13 January 1938

States	Ratification registered on	States	Ratification registered on
Belgium	4. 8.37	Norway	21. 5.35
Bulgaria	29.12.49	Panama	19. 6.70
Czechoslovakia	19. 9.38	United Kingdom ¹	13. 1.37
Djibouti	3. 8.78	Uruguay	18. 3.54
France	5. 2.38		
Ireland	15. 5.39		
Mexico	9. 3.38		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

44. UNEMPLOYMENT PROVISION CONVENTION, 1934

This Convention came into force on 10 June 1938

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	New Zealand	29. 3.38
Bulgaria	29.12.49	Norway	20. 5.57
Cyprus	8.10.65	Peru	4. 4.62
Czechoslovakia ¹	12. 6.50	Spain	5. 5.71
Djibouti	3. 8.78	Switzerland	14. 6.39
France	21. 2.49	United Kingdom	29. 4.36
Ireland	10. 6.37		
Italy	22.10.52		
Netherlands	17. 1.66		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

45. UNDERGROUND WORK (WOMEN) CONVENTION, 1935

This Convention came into force on 30 May 1937

States	Ratification registered on	States	Ratification registered on
Afghanistan	14. 5.37	Lebanon	26. 7.62
Angola	4. 6.76	Lesotho	31.10.66
Argentina	14. 3.50	Luxembourg	3. 3.58
Australia	7.10.53	Malawi	22. 3.65
Austria	3. 7.37	Malaysia:	
Bahamas	25. 5.76	Peninsular Malaysia	11.11.57
Bangladesh	22. 6.72	Mexico	21. 2.38
Belgium	4. 8.37	Morocco	20. 9.56
Bolivia	15.11.73	Netherlands	20. 2.37
Brazil	22. 9.38	New Zealand	29. 3.38
Bulgaria	29.12.49	Nicaragua	1. 3.76
Byelorussian SSR	4. 8.61	Nigeria	17.10.60
Cameroon	3. 9.62	Pakistan	25. 3.38
Canada ¹	16. 9.66	Panama	16. 2.59
Chile	16. 3.46	Papua New Guinea	1. 5.76
China	2.12.36	Peru	8.11.45
Costa Rica	22. 3.60	Poland	15. 6.57
Cuba	14. 4.36	Portugal	18.10.37
Cyprus	23. 9.60	Saudi Arabia	15. 6.78
Czechoslovakia	12. 6.50	Sierra Leone	13. 6.61
Djibouti	3. 8.78	Singapore	25.10.65
Dominican Republic	12. 8.57	Solomon Islands	6. 8.85
Ecuador	6. 7.54	Somalia	18.11.60
Egypt	11. 7.47	South Africa	25. 6.36
Fiji	19. 4.74	Spain	24. 6.58
Finland	3. 3.38	Sri Lanka	20.12.50
France	25. 1.38	Swaziland	5. 6.81
Gabon	13. 6.61	Sweden ¹	11. 7.36
German Democratic Republic	20. 8.75	Switzerland	23. 5.40
Fed. Rep. of Germany	15.11.54	Syrian Arab Republic	26. 7.60
Ghana	20. 5.57	Tanzania, United Rep. of:	
Greece	30. 5.36	Tanganyika	30. 1.62
Guatemala	7. 3.60	Tunisia	15. 5.57
Guinea	12.12.66	Turkey	21. 4.38
Guinea-Bissau	21. 2.77	Uganda	4. 6.63
Guyana	8. 6.66	Ukrainian SSR	4. 8.61
Haiti	5. 4.60	USSR	4. 5.61
Honduras	20. 6.60	United Kingdom	18. 7.36
Hungary	19.12.38	Uruguay ¹	18. 3.54
India	25. 3.38	Venezuela	20.11.44
Indonesia	12. 6.50	Viet Nam	6. 6.53
Ireland	20. 8.36	Yugoslavia	21. 5.52
Italy	22.10.52	Zambia	2.12.64
Ivory Coast	5. 5.61	Zimbabwe	6. 6.80
Japan	11. 6.56		
Kenya	13. 1.64		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

46. HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935

This Convention has not yet come into force

States	Ratification registered on
Cuba	14. 4.36
Mexico	1. 9.39
Spain	30.11.71

47. FORTY-HOUR WEEK CONVENTION, 1935

This Convention came into force on 23 June 1957

States	Ratification registered on
Australia	22.10.70
Byelorussian SSR	21. 8.56
German Democratic Republic .	14. 7.77
New Zealand	29. 3.38
Norway	13. 3.79
Sweden	11. 8.82
Ukrainian SSR	10. 8.56
USSR	23. 6.56

48. MAINTENANCE OF MIGRANTS' PENSION RIGHTS CONVENTION, 1935

This Convention came into force on 10 August 1938

States	Ratification registered on
Czechoslovakia ¹	12. 6.50
Hungary ¹	10. 8.37
Israel	16. 1.63
Italy	22.10.52
Netherlands	6.10.38
Poland ¹	21. 3.38
Spain ²	8. 7.37
Yugoslavia	4. 1.46

¹ Has denounced this Convention.

² Convention denounced as a result
of the ratification of Convention
No. 157.

RATIFIED CONVENTIONS

49. REDUCTION OF HOURS OF WORK (GLASS-BOTTLE WORKS) CONVENTION, 1935

This Convention came into force on 10 June 1938

States	Ratification registered on
Bulgaria	29.12.49
Czechoslovakia	19. 9.38
Djibouti	3. 8.78
France	25. 1.38
Ireland	10. 6.37
Mexico	21. 2.38
New Zealand	29. 3.38
Norway	21. 7.36

50. RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936

This Convention came into force on 8 September 1939

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3.50	Norway	7. 7.37
Bahamas	25. 5.76	Rwanda	18. 9.62
Barbados	8. 5.67	Saint Lucia	14. 5.80
Belgium	26. 7.48	Seychelles	6. 2.78
Burundi	11. 3.63	Sierra Leone	13. 6.61
Cameroon	3. 9.62	Singapore	25.10.65
Fiji	19. 4.74	Somalia:	
Ghana	20. 5.57	ex-British Somaliland ¹ ...	18.11.60
Grenada	9. 7.79	Swaziland	26. 4.78
Guyana	8. 6.66	Tanzania, United Rep. of:	
Jamaica	26.12.62	Tanganyika	30. 1.62
Japan	8. 9.38	Zanzibar	22. 6.64
Kenya	13. 1.64	Trinidad and Tobago	24. 5.63
Malawi	7. 6.66	Uganda	4. 6.63
Malaysia:		United Kingdom	22. 5.39
Peninsular Malaysia	11.11.57	Zaire	20. 9.60
Sabah	3. 3.64	Zambia	2.12.64
Sarawak	3. 3.64	Zimbabwe	6. 6.80
Mauritius	2.12.69		
New Zealand	8. 7.47		
Nigeria	17.10.60		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

52. HOLIDAYS WITH PAY CONVENTION, 1936

This Convention came into force on 22 September 1939

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Italy ¹	22.10.52
Argentina	14. 3.50	Ivory Coast	5. 5.61
Brazil	22. 9.38	Kuwait	21. 9.61
Bulgaria	29.12.49	Lebanon	26. 7.62
Burkina Faso ¹	30. 6.69	Libyan Arab Jamahiriya	20. 6.62
Burma	21. 5.54	Madagascar ¹	10. 8.62
Burundi	30. 7.71	Mali	12. 7.68
Byelorussian SSR	6.11.56	Mauritania	8.11.63
Cameroon ¹	25. 5.70	Mexico	9. 3.38
Central African Republic ...	9. 6.64	Morocco	20. 9.56
Chad	8. 6.61	New Zealand	10.11.50
Colombia	7. 6.63	Panama	3. 6.58
Comoros	23.10.78	Paraguay	21. 3.66
Cuba	20. 7.53	Peru	1. 2.60
Czechoslovakia	12. 6.50	Senegal	22.10.62
Denmark	22. 6.39	Spain ¹	5. 5.71
Djibouti	3. 8.78	Syrian Arab Republic	26. 7.60
Dominican Republic	5.12.56	Tunisia	15. 5.57
Egypt	3. 7.54	Ukrainian SSR	14. 9.56
Finland	23. 8.49	USSR	10. 8.56
France	23. 8.39	Uruguay ¹	18. 3.54
Gabon	13. 6.61	Viet Nam	6. 6.53
Greece	13. 6.52	Yugoslavia ¹	26. 3.53
Guinea ¹	12.12.66		
Hungary	8. 6.56		
Iraq ¹	12. 5.60		
Israel	22. 8.51		

¹ Convention denounced as a result of the ratification of Convention No. 132.

RATIFIED CONVENTIONS

53. OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936

This Convention came into force on 29 March 1939

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Liberia	9. 5.60
Belgium	11. 4.38	Libyan Arab Jamahiriya	15.11.74
Brazil	12.10.38	Mauritania	8.11.63
Bulgaria	29.12.49	Mexico	1. 9.39
Cuba	5. 2.71	New Zealand	29. 3.38
Denmark	13. 7.38	Norway	7. 7.37
Djibouti	3. 8.78	Panama	19. 6.70
Egypt	20. 5.39	Peru	4. 4.62
Finland	8. 4.47	Philippines	17.11.60
France	19. 6.47	Spain	5. 5.71
Ireland	10. 6.85	Syrian Arab Republic	26. 7.60
Israel	19. 6.69	United States	29.10.38
Italy	22.10.52	Yugoslavia	26. 5.61

54. HOLIDAYS WITH PAY (SEA) CONVENTION, 1936

This Convention has not come into force

States	Ratification registered on
Belgium ¹	11. 4.38
Bulgaria	29.12.49
France ¹	19. 6.47
Mexico	12. 6.42
United States	29.10.38
Uruguay	18. 3.54

¹ Convention denounced as a result
of the ratification of Convention
No. 91.

RATIFIED CONVENTIONS

55. SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936

This Convention came into force on 29 October 1939

States	Ratification registered on	States	Ratification registered on
Belgium	11. 4.38	Mexico	15. 9.39
Bulgaria	29.12.49	Morocco	14. 3.58
Djibouti	3. 8.78	Panama	4. 6.71
Egypt	4. 8.82	Peru	4. 4.62
France	19. 6.47	Spain	30.11.71
Greece	19. 6.68	Tunisia	14. 4.70
Italy	22.10.52	United States	29.10.38
Liberia	9. 5.60		

56. SICKNESS INSURANCE (SEA) CONVENTION, 1936

This Convention came into force on 9 December 1949

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mexico	1. 2.84
Belgium	3. 8.49	Norway	6. 6.66
Bulgaria	29.12.49	Panama	4. 6.71
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Spain	30.11.71
France	9.12.48	United Kingdom	30. 9.44
Fed. Rep. of Germany	12.12.56	Yugoslavia	13.10.58

57. HOURS OF WORK AND MANNING (SEA) CONVENTION, 1936

This Convention has not yet come into force

States	Ratification registered on
Australia	24. 9.38
Belgium	11. 4.38
Bulgaria	29.12.49
United States	29.10.38

RATIFIED CONVENTIONS

58. MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

This Convention came into force on 11 April 1939

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Mauritius	2.12.69
Algeria ¹	19.10.62	Mexico	18. 7.52
Argentina	17. 2.55	Netherlands ¹	8. 7.47
Belgium	11. 4.38	New Zealand	7. 6.46
Belize	15.12.83	Nigeria	16. 6.61
Brazil	12.10.38	Norway ¹	7. 7.37
Bulgaria ¹	29.12.49	Panama	19. 6.70
Byelorussian SSR ¹	6.11.56	Peru	4. 4.62
Canada	10. 9.51	Seychelles	6. 2.78
Cuba ¹	20. 7.53	Sierra Leone	13. 6.61
Democratic Yemen	14. 4.69	Spain ¹	5. 5.71
Denmark	4. 6.55	Sri Lanka	18. 5.59
Djibouti	3. 8.78	Sweden	6. 1.39
Fiji	19. 4.74	Switzerland	21. 4.60
France	9.12.48	Tanzania, United Rep. of:	
Ghana	20. 5.57	Zanzibar	22. 6.64
Greece	9.10.63	Tunisia	14. 4.70
Grenada	9. 7.79	Turkey	29. 9.59
Guatemala	30.10.61	Ukrainian SSR ¹	14. 9.56
Iceland	21. 8.56	USSR ¹	10. 8.56
Iraq ¹	30.12.39	United States	29.10.38
Italy ¹	22.10.52	Uruguay ¹	18. 3.54
Jamaica	26.12.62	Yugoslavia ¹	5. 5.58
Japan	22. 8.55		
Kenya ¹	13. 1.64		
Liberia	9. 5.60		
Mauritania	8.11.63		

¹ Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

59. MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

This Convention came into force on 21 February 1941

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Norway ¹	26. 8.38
Bangladesh	22. 6.72	Pakistan	26. 5.55
Bulgaria ¹	22. 7.60	Paraguay	21. 3.66
Burundi	30. 7.71	Peru	4. 4.62
Byelorussian SSR ¹	6.11.56	Philippines	17.11.60
China	21. 2.40	Romania ¹	6. 6.73
Cuba ¹	7. 9.54	Sierra Leone	15. 6.61
Democratic Yemen	14. 4.69	Spain ¹	5. 5.71
Fiji	19. 4.74	Swaziland	26. 4.78
Ghana	20. 5.57	Tanzania, United Rep. of:	
Iraq ¹	5. 7.60	Tanganyika	30. 1.62
Italy ¹	22.10.52	Zanzibar	22. 6.64
Kenya ¹	13. 1.64	Tunisia	14. 4.70
Lebanon	1. 6.77	Ukrainian SSR ¹	14. 9.56
Libyan Arab Jamahiriya ¹	27. 5.71	USSR ¹	10. 8.56
Luxembourg ¹	3. 3.58	Uruguay ¹	18. 3.54
Mauritius	2.12.69		
Mongolia	3. 6.69		
New Zealand	8. 7.47		
Nigeria	16. 6.61		

¹ Convention denounced as a result of the ratification of Convention No. 138.

60. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION (REVISED), 1937

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Bulgaria ¹	29.12.49	USSR ¹	10. 8.56
Byelorussian SSR ¹	6.11.56	Uruguay ¹	18. 3.54
Cuba ¹	7. 9.54		
Italy ¹	22.10.52		
Luxembourg ¹	3. 3.58		
New Zealand ²	8. 7.47		
Paraguay	21. 3.66		
Spain ¹	5. 5.71		
Ukrainian SSR ¹	14. 9.56		

¹ Convention denounced as a result of the ratification of Convention No. 138.

² Has denounced this Convention.

RATIFIED CONVENTIONS

62. SAFETY PROVISIONS (BUILDING) CONVENTION, 1937

This Convention came into force on 4 July 1942

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Hungary	8. 6.56
Belgium	3.10.51	Ireland	13. 6.72
Bulgaria	29.12.49	Mauritania	8.11.63
Burundi	11. 3.63	Mexico	4. 7.41
Central African Republic ...	9. 6.64	Netherlands	2. 5.50
Colombia	4. 3.69	Peru	4. 4.62
Denmark	30.11.72	Poland	17. 4.50
Egypt	25. 3.82	Rwanda	18. 9.62
Finland	8. 4.47	Spain	24. 6.58
France	16.12.50	Suriname	15. 6.76
Fed. Rep. of Germany	14. 6.55	Switzerland	23. 5.40
Greece	29. 8.84	Tunisia	12. 1.59
Guatemala	9. 1.73	Uruguay	18. 3.54
Guinea	12.12.66	Zaire	20. 9.60
Honduras	17.11.64		

63. CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938

This Convention came into force on 22 June 1940

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Nicaragua	1.10.81
Australia	5. 9.39	Norway ¹	29. 3.40
Austria ^{1, 2}	26.11.58	Panama ²	15. 7.71
Barbados ³	8. 5.67	Portugal	24. 2.83
Burma ^{2, 3}	24.11.61	South Africa ^{1, 2}	8. 8.39
Canada	6. 4.46	Spain	5. 5.71
Chile ³	10. 5.57	Sri Lanka ²	25. 8.52
Cuba	7. 9.54	Sweden ³	21. 6.39
Czechoslovakia	12. 6.50	Switzerland ^{2, 3}	23. 5.40
Denmark ³	22. 6.39	Syrian Arab Republic ^{2, 3}	26. 7.60
Djibouti	3. 8.78	Tanzania, United Rep. of:	
Egypt ^{2, 3}	5.10.40	Tanganyika ¹	19.11.62
Finland ³	8. 4.47	Zanzibar	22. 6.64
France	28. 6.51	United Kingdom	26. 5.47
Fed. Rep. of Germany	22. 6.54	Uruguay	18. 3.54
Guatemala	4. 8.61		
Ireland	9.10.46		
Kenya	13. 1.64		
Mauritius ¹	2.12.69		
Mexico	16. 7.42		
Netherlands	9. 3.40		
New Zealand ¹	18. 1.40		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

RATIFIED CONVENTIONS

64. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Nigeria	17.10.60
Belgium	26. 7.48	Panama	19. 6.70
Burundi	11. 3.63	Rwanda	18. 9.62
Cameroon	3. 9.62	Saint Lucia	14. 5.80
Democratic Yemen	14. 4.69	Seychelles	6. 2.78
Fiji	19. 4.74	Sierra Leone	13. 6.61
Ghana	20. 5.57	Singapore	25.10.65
Grenada	9. 7.79	Somalia:	
Guyana	8. 6.66	ex-British Somaliland ¹ ...	18.11.60
Jamaica	26.12.62	Swaziland	26. 4.78
Kenya	13. 1.64	Tanzania, United Rep. of:	
Lesotho	31.10.66	Tanganyika	30. 1.62
Malawi	7. 6.66	Zanzibar	22. 6.64
Malaysia:		Uganda	4. 6.63
Peninsular Malaysia	11.11.57	United Kingdom	24. 8.43
Sabah	3. 3.64	Zaire	20. 9.60
Sarawak	3. 3.64	Zambia	2.12.64
Mauritius	2.12.69		
New Zealand	8. 7.47		

¹ Has denounced this Convention.

65. PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Morocco	27. 3.63
Barbados	8. 5.67	New Zealand	8. 7.47
Cameroon	3. 9.62	Niger	23. 3.62
Democratic Yemen	14. 4.69	Nigeria	17.10.60
Fiji	19. 4.74	Panama	19. 6.70
Ghana	20. 5.57	Saint Lucia	14. 5.80
Grenada	9. 7.79	Seychelles	6. 2.78
Guatemala	4. 8.61	Sierra Leone	13. 6.61
Guyana	8. 6.66	Singapore	25.10.65
Jamaica	26.12.62	Somalia	18.11.60
Kenya	13. 1.64	Swaziland	26. 4.78
Lesotho	31.10.66	Tanzania, United Rep. of:	
Liberia	25. 5.62	Tanganyika	30. 1.62
Malawi	22. 3.65	Zanzibar	22. 6.64
Malaysia:		Trinidad and Tobago	24. 5.63
Peninsular Malaysia	11.11.57	Tunisia	17.12.62
Sabah	3. 3.64	Uganda	4. 6.63
Sarawak	3. 3.64	United Kingdom	24. 8.43
Mauritius	2.12.69	Zambia	2.12.64

RATIFIED CONVENTIONS

67. HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1939

This Convention came into force on 18 March 1955

States	Ratification registered on
Central African Republic ...	9. 6.64
Cuba	20. 7.53
Peru	4. 4.62
Uruguay	18. 3.54

68. FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946

This Convention came into force on 24 March 1957

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	22.10.52
Angola	4. 6.76	Netherlands	17. 6.58
Argentina	24. 9.56	New Zealand	31. 5.77
Belgium	5.12.51	Norway	28. 1.57
Bulgaria	29.12.49	Panama	4. 6.71
Canada	19. 3.51	Peru	4. 4.62
Egypt	10. 8.82	Poland	13. 4.54
France	9.12.48	Portugal	13. 6.52
Greece	28. 8.81	Spain	14. 7.71
Guinea-Bissau	21. 2.77	United Kingdom	6. 8.53
Ireland	12. 6.56		

RATIFIED CONVENTIONS

69. CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946

This Convention came into force on 22 April 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	29. 7.75
Angola	4. 6.76	Netherlands	23. 2.51
Belgium	5.12.51	New Zealand	11. 1.80
Bulgaria	29.12.49	Norway	6. 3.52
Canada	19. 3.51	Panama	4. 6.71
Djibouti	3. 8.78	Peru	4. 4.62
Egypt	4. 8.82	Poland	13. 4.54
France	9.12.48	Portugal	13. 6.52
Ghana	18. 3.65	Spain	5. 5.71
Greece	9.10.63	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Ireland	16. 6.51	United Kingdom	29. 7.49
Italy	22.10.52	Yugoslavia	6. 3.61

70. SOCIAL SECURITY (SEAFARERS) CONVENTION, 1946

This Convention has not yet come into force

States	Ratification registered on
Algeria	19.10.62
France	9.12.48
Netherlands	22.12.61
Peru	4. 4.62
Poland	8.10.56
Spain	8. 5.73
United Kingdom	20. 5.53

71. SEAFARERS' PENSIONS CONVENTION, 1946

This Convention came into force on 10 October 1962

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Italy	10. 4.62
Argentina	17. 2.55	Netherlands	27. 8.57
Bulgaria	29.12.49	Norway	4. 7.49
Djibouti	3. 8.78	Panama	4. 6.71
Egypt	4. 8.82	Peru	4. 4.62
France	9.12.48		

RATIFIED CONVENTIONS

72. PAID VACATIONS (SEAFARERS) CONVENTION, 1946

This Convention has not come into force

States	Ratification registered on
Algeria ¹	19.10.62
Bulgaria	29.12.49
Cuba ¹	13. 1.54
Finland ¹	23. 8.49
France ¹	9.12.48

¹ Convention denounced as a result
of the ratification of Convention
No. 91.

73. MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946

This Convention came into force on 17 August 1955

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	22. 8.55
Angola	4. 6.76	Netherlands	17. 6.58
Argentina	17. 2.55	Norway	17. 2.55
Belgium	5.12.51	Panama	4. 6.71
Bulgaria	29.12.49	Peru	4. 4.62
Canada	19. 3.51	Poland	13. 4.54
Denmark	28. 7.80	Portugal	13. 6.52
Djibouti	3. 8.78	Spain	14. 7.71
Egypt	10. 8.82	Sweden	9. 1.62
Finland	15. 5.56	Tunisia	14. 4.70
France	9.12.48	Ukrainian SSR	17. 6.70
Fed. Rep. of Germany	8.10.76	USSR	4.11.69
Greece	6. 5.81	Uruguay	18. 3.54
Guinea-Bissau	21. 2.77	Yugoslavia	25.11.66
Italy	22.10.52		

RATIFIED CONVENTIONS

74. CERTIFICATION OF ABLE SEAMEN CONVENTION, 1946

This Convention came into force on 14 July 1951

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritius	2.12.69
Angola	4. 6.76	Netherlands	14. 7.50
Barbados	8. 5.67	New Zealand	5.12.61
Belgium	5.12.51	Panama	4. 6.71
Canada	19. 3.51	Poland	13. 4.54
Egypt	30. 3.67	Portugal	13. 6.52
France	9.12.48	Spain	5. 5.71
Ghana	18. 3.65	United Kingdom	13. 5.52
Guinea-Bissau	21. 2.77	United States	9. 4.53
Ireland	21. 6.57	Yugoslavia	22.12.61
Italy	23. 6.81		

75. ACCOMMODATION OF CREWS CONVENTION, 1946

This Convention has not come into force

States	Ratification registered on
Bulgaria	29.12.49
Finland ¹	23. 8.49
France ¹	9.12.48
Norway ¹	4. 7.49
Sweden ¹	21.10.47

¹ Convention denounced as a result
of the ratification of Convention
No. 92.

76. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION, 1946

This Convention has not yet come into force

State	Ratification registered on
Australia	25. 1.49

RATIFIED CONVENTIONS

77. MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Hungary	8. 6.56
Algeria	19.10.62	Iraq	13. 1.51
Argentina	17. 2.55	Israel	23.12.53
Belgium	10. 4.79	Italy	22.10.52
Bolivia	15.11.73	Lebanon	1. 6.77
Bulgaria	29.12.49	Luxembourg	3. 3.58
Byelorussian SSR	6.11.56	Nicaragua	1. 3.76
Cameroon	25. 5.70	Panama	15. 7.71
Comoros	23.10.78	Paraguay	21. 3.66
Cuba	13. 1.54	Peru	4. 4.62
Czechoslovakia	23. 4.80	Philippines	17.11.60
Djibouti	3. 8.78	Poland	11.12.47
Dominican Republic	19. 6.73	Portugal	23. 5.83
Ecuador	18. 7.75	Spain	5. 5.71
France	28. 6.51	Tunisia	14. 4.70
German Democratic Republic .	19. 6.79	Turkey	2.11.84
Greece	28. 8.81	Ukrainian SSR	14. 9.56
Guatemala	13. 2.52	USSR	10. 8.56
Haiti	12. 4.57	Uruguay	18. 3.54

78. MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Honduras	20. 6.60
Algeria	19.10.62	Hungary	8. 6.56
Argentina	17. 2.55	Iraq	5. 7.60
Bolivia	15.11.73	Israel	23.12.53
Bulgaria	29.12.49	Italy	22.10.52
Byelorussian SSR	6.11.56	Lebanon	1. 6.77
Cameroon	25. 5.70	Luxembourg	3. 3.58
Comoros	23.10.78	Nicaragua	1. 3.76
Cuba	7. 9.54	Panama	19. 6.70
Czechoslovakia	23. 4.80	Paraguay	21. 3.66
Djibouti	3. 8.78	Peru	4. 4.62
Ecuador	26. 8.75	Poland	11.12.47
France	28. 6.51	Portugal	23. 5.83
German Democratic Republic .	19. 6.79	Spain	5. 5.71
Greece	28. 8.81	Ukrainian SSR	14. 9.56
Guatemala	13. 2.52	USSR	10. 8.56
Haiti	12. 4.57	Uruguay	18. 3.54

RATIFIED CONVENTIONS

79. NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2.55	Luxembourg	3. 3.58
Bulgaria	29.12.49	Paraguay	21. 3.66
Byelorussian SSR	6.11.56	Peru	4. 4.62
Cuba	7. 9.54	Poland	11.12.47
Dominican Republic	22. 9.53	Spain	5. 5.71
Guatemala	13. 2.52	Ukrainian SSR	14. 9.56
Israel	23.12.53	USSR	10. 8.56
Italy	22.10.52	Uruguay	18. 3.54

80. FINAL ARTICLES REVISION CONVENTION, 1946

This Convention came into force on 28 May 1947

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Japan	27. 5.54
Argentina	14. 3.50	Luxembourg	29.10.48
Australia	25. 1.49	Mexico	20. 4.48
Austria	31. 3.49	Morocco	20. 5.57
Bangladesh	22. 6.72	Netherlands	15. 1.48
Belgium	3. 8.49	New Zealand	8. 7.47
Brazil	13. 4.48	Norway	5. 1.49
Bulgaria	7.11.55	Pakistan	25. 3.48
Canada	31. 7.47	Panama	13. 5.54
Chile	3.11.49	Peru	4. 4.62
China	4. 8.47	Poland	11.12.47
Colombia	10. 6.47	South Africa	19. 6.47
Cuba	20. 7.53	Spain	24. 6.58
Czechoslovakia	12. 6.50	Sri Lanka	19. 9.50
Denmark	30. 6.49	Sweden	29. 5.47
Dominican Republic	29. 8.47	Switzerland	22. 4.47
Egypt	7. 6.49	Syrian Arab Republic	26. 7.60
Ethiopia	23. 7.47	Thailand	5.12.47
Finland	28. 6.47	Turkey	13. 7.49
France	20. 1.48	United Kingdom	28. 5.47
Greece	13. 6.52	United States	24. 6.48
Guatemala	1.10.47	Uruguay	18. 3.54
India	17.11.47	Venezuela	13. 9.48
Iraq	9. 9.47	Viet Nam	6. 6.53
Ireland	14. 6.47	Yugoslavia	21. 5.52
Italy	11.12.47		

RATIFIED CONVENTIONS

81. LABOUR INSPECTION CONVENTION, 1947

This Convention came into force on 7 April 1950

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Jamaica ¹	26.12.62
Angola	4. 6.76	Japan	20.10.53
Antigua and Barbuda ¹	2. 2.83	Jordan	27. 3.69
Argentina	17. 2.55	Kenya	13. 1.64
Australia ¹	24. 6.75	Kuwait	23.11.64
Austria	30. 4.49	Lebanon	26. 7.62
Bahamas	25. 5.76	Libyan Arab Jamahiriya	27. 5.71
Bahrain	11. 6.81	Luxembourg	3. 3.58
Bangladesh	22. 6.72	Madagascar	21.12.71
Barbados ¹	8. 5.67	Malawi	22. 3.65
Belgium	5. 4.57	Malaysia:	
Belize	15.12.83	Peninsular Malaysia	1. 7.63
Bolivia	15.11.73	Sabah	3. 3.64
Brazil ²	25. 4.57	Sarawak	3. 3.64
Bulgaria	29.12.49	Mali	2. 3.64
Burkina Faso	21. 5.74	Malta ¹	4. 1.65
Burundi	30. 7.71	Mauritania	8.11.63
Cameroon ¹	3. 9.62	Mauritius	2.12.69
Cape Verde	16.10.79	Morocco	14. 3.58
Central African Republic ...	9. 6.64	Mozambique	6. 6.77
Chad	30.11.65	Netherlands	15. 9.51
Colombia ¹	13.11.67	New Zealand ¹	30.11.59
Comoros	23.10.78	Niger	9. 1.79
Costa Rica	2. 6.60	Nigeria ¹	17.10.60
Cuba	7. 9.54	Norway	5. 1.49
Cyprus ¹	23. 9.60	Pakistan	10.10.53
Denmark	6. 8.58	Panama	3. 6.58
Djibouti	3. 8.78	Paraguay	28. 8.67
Dominica	28. 2.83	Peru	1. 2.60
Dominican Republic	22. 9.53	Portugal	12. 2.62
Ecuador	26. 8.75	Qatar	18. 8.76
Egypt	11.10.56	Romania	6. 6.73
Finland	20. 1.50	Rwanda	2.12.80
France	16.12.50	Sao Tome and Principe	1. 6.82
Gabon	17. 7.72	Saudi Arabia	15. 6.78
Fed. Rep. of Germany	14. 6.55	Senegal	22.10.62
Ghana	2. 7.59	Sierra Leone ¹	13. 6.61
Greece	16. 6.55	Singapore	25.10.65
Grenada ¹	9. 7.79	Solomon Islands	6. 8.85
Guatemala	13. 2.52	Spain	30. 5.60
Guinea	26. 3.59	Sri Lanka	3. 4.56
Guinea-Bissau	21. 2.77	Sudan	22.10.70
Guyana ¹	8. 6.66	Suriname	15. 6.76
Haiti	31. 3.52	Swaziland	5. 6.81
Honduras	6. 5.83	Sweden	25.11.49
India ¹	7. 4.49	Switzerland	13. 7.49
Iraq	13. 1.51	Syrian Arab Republic	26. 7.60
Ireland ¹	16. 6.51	Tanzania, United Rep. of:	
Israel	7. 6.55	Tanganyika ¹	30. 1.62
Italy	22.10.52	Tunisia	15. 5.57

RATIFIED CONVENTIONS

81. LABOUR INSPECTION CONVENTION, 1947 (continued)

States	Ratification registered on	States	Ratification registered on
Turkey	5. 3.51	Yemen	29. 7.76
Uganda ¹	4. 6.63	Yugoslavia	18. 8.55
United Arab Emirates	27. 5.82	Zaire	19. 4.68
United Kingdom ¹	28. 6.49		
Uruguay	28. 6.73		
Venezuela	21. 7.67		
Viet Nam	6. 1.64		

¹ Excluding Part II.

² Has denounced this Convention.

82. SOCIAL POLICY (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 19 June 1955

States	Ratification registered on
Belgium	27. 1.55
France	26. 7.54
New Zealand	19. 6.54
United Kingdom	27. 3.50

83. LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 15 June 1974

States	Ratification registered on
Australia	15. 6.73
United Kingdom	27. 3.50

RATIFIED CONVENTIONS

84. RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 1 July 1953

States	Ratification registered on
Belgium	27. 1.55
France	26. 7.54
New Zealand	1. 7.52
United Kingdom	27. 3.50

85. LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 26 July 1955

States	Ratification registered on
Australia	30. 9.54
Belgium	27. 1.55
France	26. 7.54
Papua New Guinea	1. 5.76
United Kingdom	27. 3.50

86. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1947

This Convention came into force on 13 February 1953

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.73	Mauritius	2.12.69
Bahamas	25. 5.76	Panama	19. 6.70
Barbados	8. 5.67	Sierra Leone	13. 6.61
Democratic Yemen	14. 4.69	Singapore	25.10.65
Ecuador	3.10.69	Swaziland	26. 4.78
Fiji	19. 4.74	Tanzania, United Rep. of:	
Grenada	9. 7.79	Tanganyika	30. 1.62
Guatemala	13. 2.52	Zanzibar	22. 6.64
Guyana	8. 6.66	Uganda	4. 6.63
Jamaica	26.12.62	United Kingdom	27. 3.50
Kenya	13. 1.64	Zambia	2.12.64
Malawi	22. 3.65	Zimbabwe	6. 6.80
Malaysia:			
Sabah	3. 3.64		
Sarawak	3. 3.64		

RATIFIED CONVENTIONS

87. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948

This Convention came into force on 4 July 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Israel	28. 1.57
Algeria	19.10.62	Italy	13. 5.58
Antigua and Barbuda	2. 2.83	Ivory Coast	21.11.60
Argentina	18. 1.60	Jamaica	26.12.62
Australia	28. 2.73	Japan	14. 6.65
Austria	18.10.50	Kuwait	21. 9.61
Bangladesh	22. 6.72	Lesotho	31.10.66
Barbados	8. 5.67	Liberia	25. 5.62
Belgium	23.10.51	Luxembourg	3. 3.58
Belize	15.12.83	Madagascar	1.11.60
Benin	12.12.60	Mali	22. 9.60
Bolivia	4. 1.65	Malta	4. 1.65
Bulgaria	8. 6.59	Mauritania	20. 6.61
Burkina Faso	21.11.60	Mexico	1. 4.50
Burma	4. 3.55	Mongolia	3. 6.69
Byelorussian SSR	6.11.56	Netherlands	7. 3.50
Cameroon	7. 6.60	Nicaragua	31.10.67
Canada	23. 3.72	Niger	27. 2.61
Central African Republic ...	27.10.60	Nigeria	17.10.60
Chad	10.11.60	Norway	4. 7.49
Colombia	16.11.76	Pakistan	14. 2.51
Comoros	23.10.78	Panama	3. 6.58
Congo	10.11.60	Paraguay	28. 6.62
Costa Rica	2. 6.60	Peru	2. 3.60
Cuba	25. 6.52	Philippines	29.12.53
Cyprus	24. 5.66	Poland	25. 2.57
Czechoslovakia	21. 1.64	Portugal	14.10.77
Denmark	13. 6.51	Romania	28. 5.57
Djibouti	3. 8.78	Saint Lucia	14. 5.80
Dominica	28. 2.83	Senegal	4.11.60
Dominican Republic	5.12.56	Seychelles	6. 2.78
Ecuador	29. 5.67	Sierra Leone	15. 6.61
Egypt	6.11.57	Spain	20. 4.77
Ethiopia	4. 6.63	Suriname	15. 6.76
Finland	20. 1.50	Swaziland	26. 4.78
France	28. 6.51	Sweden	25.11.49
Gabon	14.10.60	Switzerland	25. 3.75
German Democratic Republic .	7. 5.75	Syrian Arab Republic	26. 7.60
Fed. Rep. of Germany	20. 3.57	Togo	7. 6.60
Ghana	2. 6.65	Trinidad and Tobago	24. 5.63
Greece	30. 3.62	Tunisia	18. 6.57
Guatemala	13. 2.52	Ukrainian SSR	14. 9.56
Guinea	21. 1.59	USSR	10. 8.56
Guyana	25. 9.67	United Kingdom	27. 6.49
Haiti	5. 6.79	Uruguay	18. 3.54
Honduras	27. 6.56	Venezuela	20. 9.82
Hungary	6. 6.57	Yemen	29. 7.76
Iceland	19. 8.50	Yugoslavia	23. 7.58
Ireland	4. 6.55		

RATIFIED CONVENTIONS

88. EMPLOYMENT SERVICE CONVENTION, 1948

This Convention came into force on 10 August 1950

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Lebanon	1. 6.77
Angola	4. 6.76	Libyan Arab Jamahiriya	20. 6.62
Argentina	24. 9.56	Luxembourg	3. 3.58
Australia	24.12.49	Malaysia	6. 6.74
Austria	25. 9.73	Malta	4. 1.65
Bahamas	25. 5.76	Mozambique	6. 6.77
Belgium	16. 3.53	Netherlands	7. 3.50
Belize	15.12.83	New Zealand	3.12.49
Bolivia	31. 1.77	Nicaragua	1.10.81
Brazil	25. 4.57	Nigeria	16. 6.61
Bulgaria ¹	29.12.49	Norway	4. 7.49
Canada	24. 8.50	Panama	19. 6.70
Central African Republic ...	9. 6.64	Peru	6. 4.62
Colombia	31.10.67	Philippines	29.12.53
Costa Rica	2. 6.60	Portugal	23. 6.72
Cuba	29. 4.52	Romania	6. 6.73
Cyprus	23. 9.60	San Marino	23. 5.85
Czechoslovakia	12. 6.50	Sao Tome and Principe	1. 6.82
Denmark	30.11.72	Sierra Leone	13. 6.61
Djibouti	3. 8.78	Singapore	25.10.65
Dominican Republic	22. 9.53	Spain	30. 5.60
Ecuador	26. 8.75	Suriname	15. 6.76
Egypt	3. 7.54	Sweden	25.11.49
Ethiopia	4. 6.63	Switzerland	19. 1.52
France	15.10.52	Syrian Arab Republic	26. 7.60
Fed. Rep. of Germany	22. 6.54	Tanzania, United Rep. of:	
Ghana	4. 4.61	Tanganyika	30. 1.62
Greece	16. 6.55	Thailand	26. 2.69
Guatemala	13. 2.52	Tunisia	11.10.68
Guinea-Bissau	21. 2.77	Turkey	14. 7.50
India	24. 6.59	United Kingdom ¹	10. 8.49
Iraq	22. 6.51	Venezuela	16.11.64
Ireland	29.10.69	Yugoslavia	23. 7.58
Israel	21. 8.59	Zaire	16. 6.69
Italy ¹	22.10.52		
Japan	20.10.53		
Kenya	13. 1.64		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

89. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

This Convention came into force on 27 February 1951

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Lebanon	26. 7.62
Angola	4. 6.76	Libyan Arab Jamahiriya	20. 6.62
Austria	5.10.50	Luxembourg ¹	3. 3.58
Bahrain	11. 6.81	Malawi	22. 3.65
Bangladesh	22. 6.72	Malta	4. 1.65
Belgium	1. 4.52	Mauritania	8.11.63
Belize	15.12.83	Netherlands ¹	22.10.54
Bolivia	15.11.73	New Zealand ¹	10.11.50
Brazil	25. 4.57	Pakistan	14. 2.51
Burundi	11. 3.63	Panama	19. 6.70
Cameroon	25. 5.70	Paraguay	21. 3.66
Comoros	23.10.78	Philippines	29.12.53
Congo	4. 6.71	Portugal	2. 6.64
Costa Rica	2. 6.60	Romania	28. 5.57
Cuba	29. 4.52	Rwanda	18. 9.62
Cyprus	8.10.65	Saudi Arabia	15. 6.78
Czechoslovakia	12. 6.50	Senegal	22.10.62
Djibouti	3. 8.78	South Africa	2. 3.50
Dominican Republic	22. 9.53	Spain	24. 6.58
Egypt	26. 7.60	Sri Lanka ¹	31. 3.66
France	21. 9.53	Swaziland	5. 6.81
Ghana	2. 7.59	Switzerland	6. 5.50
Greece	27. 4.59	Syrian Arab Republic	1.12.49
Guatemala	13. 2.52	Tunisia	15. 5.57
Guinea	12.12.66	United Arab Emirates	27. 5.82
Guinea-Bissau	21. 2.77	Uruguay ¹	18. 3.54
India	27. 2.50	Viet Nam	26.10.65
Iraq	17.11.67	Yugoslavia	20. 6.56
Ireland ¹	14. 1.52	Zaire	20. 9.60
Italy	22.10.52	Zambia	22. 2.65
Kenya	30.11.65		
Kuwait	21. 9.61		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

90. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948

This Convention came into force on 12 June 1951

States	Ratification registered on	States	Ratification registered on
Argentina	24. 9.56	Lebanon	26. 7.62
Bangladesh	22. 6.72	Luxembourg	3. 3.58
Barbados	15. 1.76	Mauritania	8.11.63
Bolivia	15.11.73	Mexico	20. 6.56
Burundi	30. 7.71	Netherlands	22.10.54
Byelorussian SSR	6.11.56	Norway	20. 5.57
Cameroon	25. 5.70	Pakistan	14. 2.51
Costa Rica	2. 6.60	Paraguay	21. 3.66
Cuba	29. 4.52	Peru	4. 4.62
Cyprus	8.10.65	Philippines	29.12.53
Czechoslovakia	12. 6.50	Poland	26. 6.68
Dominican Republic	12. 8.57	Saudi Arabia	15. 6.78
France	30. 7.85	Spain	5. 5.71
Ghana	4. 4.61	Sri Lanka	18. 5.59
Greece	30. 3.62	Swaziland	5. 6.81
Guatemala	13. 2.52	Tunisia	26. 4.61
Guinea	12.12.66	Ukrainian SSR	14. 9.56
Haiti	12. 4.57	USSR	10. 8.56
India	27. 2.50	Uruguay	18. 3.54
Israel	23.12.53	Yugoslavia	20. 2.57
Italy	22.10.52		

91. PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949

This Convention came into force on 14 September 1967

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritania	8.11.63
Angola	4. 6.76	Netherlands ¹	22.12.61
Belgium	30. 8.62	Norway	29. 6.50
Brazil	18. 6.65	Poland	8.10.56
Cuba	29. 4.52	Portugal ¹	29. 7.52
Djibouti	3. 8.78	Spain ¹	5. 5.71
Finland	22.12.51	Tunisia	14. 4.70
France ¹	26.10.51	Yugoslavia	11. 8.67
Guinea-Bissau	21. 2.77		
Iceland	15. 7.52		
Israel	30. 3.53		
Italy ¹	5. 5.71		

¹ Convention denounced as a result
of the ratification of Convention
No. 146.

RATIFIED CONVENTIONS

92. ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949

This Convention came into force on 29 January 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Israel	21. 8.80
Angola	4. 6.76	Italy	23. 6.81
Belgium	30. 8.62	Liberia	21. 6.77
Brazil	8. 6.54	Netherlands	17. 6.58
Costa Rica	2. 6.60	New Zealand	31. 5.77
Cuba	29. 4.52	Norway	29. 6.50
Denmark	30. 9.50	Panama	4. 6.71
Egypt	4. 8.82	Poland	13. 4.54
Finland	22.12.51	Portugal	29. 7.52
France	26.10.51	Spain	14. 7.71
Fed. Rep. of Germany	14. 8.74	Sweden	18. 7.50
Ghana	18. 3.65	Ukrainian SSR	17. 6.70
Guinea-Bissau	21. 2.77	USSR	4.11.69
Iraq	1.12.77	United Kingdom	6. 8.53
Ireland	21. 7.52	Yugoslavia	25.11.66

93. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1949

This Convention has not yet come into force

States	Ratification registered on
Australia	3. 3.54
Brazil	18. 6.65
Cuba	29. 4.52
Iraq	15. 8.85
Philippines	29.12.53
Uruguay	18. 3.54

RATIFIED CONVENTIONS

94. LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949

This Convention came into force on 20 September 1952

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Malaysia:	
Antigua and Barbuda	2. 2.83	Sabah	3. 3.64
Austria	10.11.51	Sarawak	3. 3.64
Bahamas	25. 5.76	Mauritania	8.11.63
Barbados	8. 5.67	Mauritius	2.12.69
Belgium	13.10.52	Morocco	20. 9.56
Belize	15.12.83	Netherlands	20. 5.52
Brazil	18. 6.65	Nigeria	17.10.60
Bulgaria	7.11.55	Panama	4. 6.71
Burundi	11. 3.63	Philippines	29.12.53
Cameroon	3. 9.62	Rwanda	18. 9.62
Central African Republic ...	9. 6.64	Saint Lucia	14. 5.80
Costa Rica	2. 6.60	Sierra Leone	15. 6.61
Cuba	29. 4.52	Singapore	25.10.65
Cyprus	23. 9.60	Solomon Islands	6. 8.85
Democratic Yemen	14. 4.69	Somalia	18.11.60
Denmark	15. 8.55	Spain	5. 5.71
Djibouti	3. 8.78	Suriname	15. 6.76
Dominica	28. 2.83	Swaziland	5. 6.81
Egypt	26. 7.60	Syrian Arab Republic	7. 6.57
Finland	22.12.51	Tanzania, United Rep. of:	
France	20. 9.51	Tanganyika	30. 1.62
Ghana	4. 4.61	Zanzibar	22. 6.64
Grenada	9. 7.79	Turkey	29. 3.61
Guatemala	13. 2.52	Uganda	4. 6.63
Guinea	12.12.66	United Kingdom ¹	30. 6.50
Guyana	8. 6.66	Uruguay	18. 3.54
Israel	30. 3.53	Zaire	20. 9.60
Italy	22.10.52		
Jamaica	26.12.62		
Kenya	13. 1.64		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

95. PROTECTION OF WAGES CONVENTION, 1949

This Convention came into force on 24 September 1952

States	Ratification registered on	States	Ratification registered on
Afghanistan	7. 1.57	Malaysia:	
Algeria	19.10.62	Peninsular Malaysia	17.11.61
Argentina	24. 9.56	Sabah	3. 3.64
Austria	10.11.51	Sarawak	3. 3.64
Bahamas	25. 5.76	Mali	22. 9.60
Barbados	8. 5.67	Malta	4. 1.65
Belgium	22. 4.70	Mauritania	20. 6.61
Belize	15.12.83	Mauritius	2.12.69
Benin	12.12.60	Mexico	27. 9.55
Bolivia	31. 1.77	Netherlands	20. 5.52
Brazil	25. 4.57	Nicaragua	1. 3.76
Bulgaria	7.11.55	Niger	27. 2.61
Burkina Faso	21.11.60	Nigeria	17.10.60
Byelorussian SSR	4. 8.61	Norway	29. 6.50
Cameroon	7. 6.60	Panama	19. 6.70
Central African Republic ...	27.10.60	Paraguay	21. 3.66
Chad	10.11.60	Philippines	29.12.53
Colombia	7. 6.63	Poland	25.10.54
Comoros	23.10.78	Portugal	24. 2.83
Congo	10.11.60	Romania	6. 6.73
Costa Rica	2. 6.60	Saint Lucia	14. 5.80
Cuba	29. 4.52	Senegal	4.11.60
Cyprus	23. 9.60	Sierra Leone	15. 6.61
Democratic Yemen	14. 4.69	Solomon Islands	6. 8.85
Djibouti	3. 8.78	Somalia	18.11.60
Dominica	28. 2.83	Spain	24. 6.58
Dominican Republic	19. 6.73	Sri Lanka	27.10.83
Ecuador	6. 7.54	Sudan	22.10.70
Egypt	26. 7.60	Suriname	15. 6.76
France	15.10.52	Swaziland	26. 4.78
Gabon	14.10.60	Syrian Arab Republic	7. 6.57
German Democratic Republic .	7. 5.75	Tanzania, United Rep. of:	
Greece	16. 6.55	Tanganyika	30. 1.62
Grenada	9. 7.79	Zanzibar	22. 6.64
Guatemala	13. 2.52	Togo	7. 6.60
Guinea	21. 1.59	Tunisia	28. 5.58
Guyana	8. 6.66	Turkey	29. 3.61
Honduras	20. 6.60	Uganda	4. 6.63
Hungary	8. 6.56	Ukrainian SSR	4. 8.61
Iran, Islamic Republic of ..	10. 6.72	USSR	4. 5.61
Iraq	12. 5.60	United Kingdom ¹	24. 9.51
Israel	12. 1.59	Uruguay	18. 3.54
Italy	22.10.52	Venezuela	10. 8.82
Ivory Coast	21.11.60	Zaire	16. 6.69
Lebanon	1. 6.77	Zambia	23.10.79
Libyan Arab Jamahiriya	20. 6.62		
Madagascar	1.11.60		

¹ Has denounced this Convention.

RATIFIED CONVENTIONS

96. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949

This Convention came into force on 18 July 1951

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19.10.62	Netherlands ¹	20. 5.52
Bangladesh ¹	22. 6.72	Norway ¹	29. 6.50
Belgium ¹	4. 7.58	Pakistan ¹	26. 5.52
Bolivia ¹	19. 7.54	Panama ¹	15. 7.71
Brazil ²	21. 6.57	Poland ¹	25.10.54
Costa Rica ¹	2. 6.60	Portugal ³	7. 6.85
Cuba ¹	3. 2.53	Senegal ³	22.10.62
Djibouti ¹	3. 8.78	Spain ¹	5. 5.71
Egypt ¹	26. 7.60	Sri Lanka ³	30. 4.58
Finland ¹	22.12.51	Suriname ¹	15. 6.76
France ¹	10. 3.53	Swaziland ¹	5. 6.81
Gabon ¹	13. 6.61	Sweden ¹	18. 7.50
Fed. Rep. of Germany ¹	8. 9.54	Syrian Arab Republic ¹	7. 6.57
Ghana ¹	21. 8.73	Turkey ³	23. 1.52
Guatemala ¹	3. 1.53	Uruguay ³	7. 7.76
Ireland ³	13. 6.72		
Israel ³	19. 6.61		
Italy ¹	9. 1.53	¹ Has accepted the provisions of Part II.	
Ivory Coast ¹	22. 5.61		
Japan ³	11. 6.56	² Has denounced this Convention.	
Libyan Arab Jamahiriya ¹	20. 6.62		
Luxembourg ¹	15.12.58	³ Has accepted the provisions of Part III.	
Mauritania ¹	31. 3.64		

RATIFIED CONVENTIONS

97. MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949

This Convention came into force on 22 January 1952

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19.10.62	Norway	17. 2.55
Bahamas ²	25. 5.76	Portugal	12.12.78
Barbados ²	8. 5.67	Saint Lucia ²	14. 5.80
Belgium	27. 7.53	Spain	21. 3.67
Belize	15.12.83	Tanzania, United Rep. of:	
Brazil	18. 6.65	Zanzibar ²	22. 6.64
Burkina Faso	9. 6.61	Trinidad and Tobago ²	24. 5.63
Cameroon ²	3. 9.62	United Kingdom ⁴	22. 1.51
Cuba	29. 4.52	Uruguay	18. 3.54
Cyprus ²	23. 9.60	Venezuela	9. 6.83
Dominica ²	28. 2.83	Yugoslavia ⁵	4.12.68
Ecuador ²	5. 4.78	Zambia ²	2.12.64
France ¹	29. 3.54		
Fed. Rep. of Germany	22. 6.59		
Grenada ²	9. 7.79		
Guatemala	13. 2.52	¹ Has excluded the provisions of Annex II.	
Guyana ²	8. 6.66		
Israel	30. 3.53	² Has excluded the provisions of Annexes I to III.	
Italy	22.10.52		
Jamaica ²	26.12.62	³ Has excluded the provisions of Annex I.	
Kenya ²	30.11.65		
Malawi	22. 3.65	⁴ Has excluded the provisions of Annexes I and III.	
Malaysia:			
Sabah ²	3. 3.64	⁵ Has excluded the provisions of Annex III.	
Mauritius ²	2.12.69		
Netherlands	20. 5.52		
New Zealand ³	10.11.50		
Nigeria ²	17.10.60		

RATIFIED CONVENTIONS

98. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949

This Convention came into force on 18 July 1951

States	Ratification registered on	States	Ratification registered on
Albania	3. 6.57	Honduras	27. 6.56
Algeria	19.10.62	Hungary	6. 6.57
Angola	4. 6.76	Iceland	15. 7.52
Antigua and Barbuda	2. 2.83	Indonesia	15. 7.57
Argentina	24. 9.56	Iraq	27.11.62
Australia	28. 2.73	Ireland	4. 6.55
Austria	10.11.51	Israel	28. 1.57
Bahamas	25. 5.76	Italy	13. 5.58
Bangladesh	22. 6.72	Ivory Coast	5. 5.61
Barbados	8. 5.67	Jamaica	26.12.62
Belgium	10.12.53	Japan	20.10.53
Belize	15.12.83	Jordan	12.12.68
Benin	16. 5.68	Kenya	13. 1.64
Bolivia	15.11.73	Lebanon	1. 6.77
Brazil	18.11.52	Lesotho	31.10.66
Bulgaria	8. 6.59	Liberia	25. 5.62
Burkina Faso	16. 4.62	Libyan Arab Jamahiriya	20. 6.62
Byelorussian SSR	6.11.56	Luxembourg	3. 3.58
Cameroon	3. 9.62	Malawi	22. 3.65
Cape Verde	3. 4.79	Malaysia:	
Central African Republic ...	9. 6.64	Peninsular Malaysia	5. 6.61
Chad	8. 6.61	Sabah	3. 3.64
Colombia	16.11.76	Sarawak	3. 3.64
Comoros	23.10.78	Mali	2. 3.64
Costa Rica	2. 6.60	Malta	4. 1.65
Cuba	29. 4.52	Mauritius	2.12.69
Cyprus	24. 5.66	Mongolia	3. 6.69
Czechoslovakia	21. 1.64	Morocco	20. 5.57
Democratic Yemen	14. 4.69	Nicaragua	31.10.67
Denmark	15. 8.55	Niger	23. 3.62
Djibouti	3. 8.78	Nigeria	17.10.60
Dominica	28. 2.83	Norway	17. 2.55
Dominican Republic	22. 9.53	Pakistan	26. 5.52
Ecuador	28. 5.59	Panama	16. 5.66
Egypt	3. 7.54	Papua New Guinea	1. 5.76
Ethiopia	4. 6.63	Paraguay	21. 3.66
Fiji	19. 4.74	Peru	13. 3.64
Finland	22.12.51	Philippines	29.12.53
France	26.10.51	Poland	25. 2.57
Gabon	29. 5.61	Portugal	1. 7.64
German Democratic Republic .	7. 5.75	Romania	26.11.58
Fed. Rep. of Germany	8. 6.56	Saint Lucia	14. 5.80
Ghana	2. 7.59	Senegal	28. 7.61
Greece	30. 3.62	Sierra Leone	13. 6.61
Grenada	9. 7.79	Singapore	25.10.65
Guatemala	13. 2.52	Spain	20. 4.77
Guinea	26. 3.59	Sri Lanka	13.12.72
Guinea-Bissau	21. 2.77	Sudan	18. 6.57
Guyana	8. 6.66	Swaziland	26. 4.78
Haiti	12. 4.57	Sweden	18. 7.50

RATIFIED CONVENTIONS

98. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (continued)

States	Ratification registered on	States	Ratification registered on
Syrian Arab Republic	7. 6.57	Ukrainian SSR	14. 9.56
Tanzania, United Rep. of:		USSR	10. 8.56
Tanganyika	30. 1.62	United Kingdom	30. 6.50
Zanzibar	22. 6.64	Uruguay	18. 3.54
Togo	8.11.83	Venezuela	19.12.68
Trinidad and Tobago	24. 5.63	Viet Nam	6. 1.64
Tunisia	15. 5.57	Yemen	29. 7.76
Turkey	23. 1.52	Yugoslavia	23. 7.58
Uganda	4. 6.63	Zaire	16. 6.69

99. MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951

This Convention came into force on 23 August 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Malawi	22. 3.65
Australia	19. 6.69	Malta	28.11.69
Austria	29.10.53	Mauritius	2.12.69
Belgium	17.10.68	Mexico	23. 8.52
Belize	15.12.83	Morocco	14.10.60
Brazil	25. 4.57	Netherlands	11. 6.54
Cameroon	25. 5.70	New Zealand	1. 7.52
Central African Republic ...	9. 6.64	Papua New Guinea	1. 5.76
Colombia	4. 3.69	Paraguay	24. 6.64
Comoros	23.10.78	Peru	1. 2.60
Costa Rica	2. 6.60	Philippines	29.12.53
Cuba	13. 1.54	Poland	5. 7.77
Czechoslovakia	21. 1.64	Senegal	22.10.62
Djibouti	3. 8.78	Seychelles	6. 2.78
France	29. 3.54	Sierra Leone	13. 6.61
Gabon	13. 6.61	Spain	4. 6.70
Fed. Rep. of Germany	25. 2.54	Sri Lanka	5. 4.54
Grenada	9. 7.79	Swaziland	5. 6.81
Guatemala	4. 8.61	Syrian Arab Republic	10. 8.65
Guinea	12.12.66	Tunisia	12. 1.59
Hungary	18. 6.69	Turkey	23. 6.70
Ireland	22. 6.78	United Kingdom	9. 6.53
Italy	5. 5.71	Uruguay	18. 3.54
Ivory Coast	5. 5.61	Zambia	20. 6.72
Kenya	9. 2.71		

RATIFIED CONVENTIONS

100. EQUAL REMUNERATION CONVENTION, 1951

This Convention came into force on 23 May 1953

States	Ratification registered on	States	Ratification registered on
Afghanistan	22. 8.69	Iraq	28. 8.63
Albania	3. 6.57	Ireland	18.12.74
Algeria	19.10.62	Israel	9. 6.65
Angola	4. 6.76	Italy	8. 6.56
Argentina	24. 9.56	Ivory Coast	5. 5.61
Australia	10.12.74	Jamaica	14. 1.75
Austria	29.10.53	Japan	24. 8.67
Barbados	19. 9.74	Jordan	22. 9.66
Belgium	23. 5.52	Lebanon	1. 6.77
Benin	16. 5.68	Libyan Arab Jamahiriya	20. 6.62
Bolivia	15.11.73	Luxembourg	23. 8.67
Brazil	25. 4.57	Madagascar	10. 8.62
Bulgaria	7.11.55	Malawi	22. 3.65
Burkina Faso	30. 6.69	Mali	12. 7.68
Byelorussian SSR	21. 8.56	Mexico	23. 8.52
Cameroon	25. 5.70	Mongolia	3. 6.69
Canada	16.11.72	Morocco	11. 5.79
Cape Verde	16.10.79	Mozambique	6. 6.77
Central African Republic ...	9. 6.64	Nepal	10. 6.76
Chad	29. 3.66	Netherlands	16. 6.71
Chile	20. 9.71	New Zealand	3. 6.83
Colombia	7. 6.63	Nicaragua	31.10.67
Comoros	23.10.78	Niger	9. 8.66
Costa Rica	2. 6.60	Nigeria	8. 5.74
Cuba	13. 1.54	Norway	24. 9.59
Czechoslovakia	30.10.57	Panama	3. 6.58
Denmark	22. 6.60	Paraguay	24. 6.64
Djibouti	3. 8.78	Peru	1. 2.60
Dominica	28. 2.83	Philippines	29.12.53
Dominican Republic	22. 9.53	Poland	25.10.54
Ecuador	11. 3.57	Portugal	20. 2.67
Egypt	26. 7.60	Romania	28. 5.57
Equatorial Guinea	12. 6.85	Rwanda	2.12.80
Finland	14. 1.63	Saint Lucia	18. 8.83
France	10. 3.53	San Marino	23. 5.85
Gabon	13. 6.61	Sao Tome and Principe	1. 6.82
German Democratic Republic .	7. 5.75	Saudi Arabia	15. 6.78
Fed. Rep. of Germany	8. 6.56	Senegal	22.10.62
Ghana	14. 3.68	Sierra Leone	15.11.68
Greece	6. 6.75	Spain	6.11.67
Guatemala	2. 8.61	Sudan	22.10.70
Guinea	11. 8.67	Swaziland	5. 6.81
Guinea-Bissau	21. 2.77	Sweden	20. 6.62
Guyana	13. 6.75	Switzerland	25.10.72
Haiti	4. 3.58	Syrian Arab Republic	7. 6.57
Honduras	9. 8.56	Togo	8.11.83
Hungary	8. 6.56	Tunisia	11.10.68
Iceland	17. 2.58	Turkey	19. 7.67
India	25. 9.58	Ukrainian SSR	10. 8.56
Indonesia	11. 8.58	USSR	30. 4.56
Iran, Islamic Republic of ..	10. 6.72	United Kingdom	15. 6.71

RATIFIED CONVENTIONS

100. EQUAL REMUNERATION CONVENTION, 1951 (continued)

States	Ratification registered on
Venezuela	10. 8.82
Yemen	29. 7.76
Yugoslavia	21. 5.52
Zaire	16. 6.69
Zambia	20. 6.72

101. HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952

This Convention came into force on 24 July 1954

States	Ratification registered on	States	Ratification registered on
Algeria	19.10.62	Mauritania	8.11.63
Antigua and Barbuda	2. 2.83	Morocco	14.10.60
Austria	14. 6.54	Netherlands	27.11.58
Barbados	8. 5.67	New Zealand	24. 7.53
Belgium	20. 3.54	Norway ¹	30. 9.54
Belize	15.12.83	Paraguay	21. 3.66
Brazil	25. 4.57	Peru	1. 2.60
Burkina Faso ¹	30. 6.69	Poland	8.10.56
Burundi	30. 7.71	Saint Lucia	14. 5.80
Cameroon ¹	25. 5.70	Senegal	22.10.62
Central African Republic ...	9. 6.64	Sierra Leone	15. 6.61
Colombia	4. 3.69	Spain	5. 5.71
Comoros	23.10.78	Suriname	15. 6.76
Costa Rica	25. 9.84	Swaziland	5. 6.81
Cuba	7. 9.54	Sweden ¹	12. 8.53
Djibouti	3. 8.78	Syrian Arab Republic	26. 7.60
Ecuador	3.10.69	Tanzania, United Rep. of:	
Egypt	9. 4.56	Tanganyika	30. 1.62
France	29. 3.54	United Kingdom	25. 6.56
Gabon	13. 6.61	Uruguay ¹	18. 3.54
Fed. Rep. of Germany ¹	5. 1.55	Yugoslavia ¹	30. 4.55
Guatemala	4. 8.61		
Hungary	8. 6.56		
Israel	14. 7.53		
Italy ¹	8. 6.56		
Madagascar ¹	10. 8.62		

¹ Convention denounced as a result of the ratification of Convention No. 132.

RATIFIED CONVENTIONS

102. SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952

This Convention came into force on 27 April 1955

States	Ratification registered on	States	Ratification registered on
Austria ^{1,=}	4.11.69	Libyan Arab Jamahiriya ^{3,*,=,*}	19. 6.75
Barbados ^{2,=}	11. 7.72	Luxembourg ^{3,*,+}	31. 8.64
Belgium ^{3,*}	26.11.59	Mauritania ¹⁵	15. 7.68
Bolivia ^{4,*,=,*}	31. 1.77	Mexico ¹⁶	12.10.61
Costa Rica ⁵	16. 3.72	Netherlands ^{3,*,=}	11.10.62
Denmark ⁶	15. 8.55	Niger ¹⁷	9. 8.66
Ecuador ^{7,*,=,*}	25.10.74	Norway ^{18,=,*}	30. 9.54
France ⁸	14. 6.74	Peru ¹⁹	23. 8.61
Fed. Rep. of Germany ^{3,*,=,*}	21. 2.58	Senegal ^{20,*}	22.10.62
Greece ⁹	16. 6.55	Sweden ^{21,*}	12. 8.53
Iceland ¹⁰	20. 2.61	Switzerland ^{15,=}	18.10.77
Ireland ¹¹	17. 6.68	Turkey ²²	29. 1.75
Israel ¹²	16.12.55	United Kingdom ²³	27. 4.54
Italy ¹³	8. 6.56	Venezuela ^{16,*,=,*}	5.11.82
Japan ^{14,*}	2. 2.76	Yugoslavia ^{24,*}	20.12.54

¹ Parts II, IV, V, VII and VIII.

² Parts III, V, VI, IX and X.

³ Parts II to X.

⁴ Parts II, III and V to X.

Pursuant to Article 3, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9(d); 12(2); 15(d); 18(2); 27(d); 33(b); 34(3); 41(d); 48(c); 55(d) and 61(d).

⁵ Parts II and V to X.

⁶ Parts II, IV to VI and IX.

⁷ Parts III, V, VI, IX and X.

⁸ Parts II and IV to IX.

⁹ Parts II to VI and VIII to X.

¹⁰ Parts V, VII and IX.

¹¹ Parts III, IV and X.

¹² Parts V, VI and X.

¹³ Parts V, VII and VIII.

¹⁴ Parts III to VI.

¹⁵ Parts V to VII, IX and X.

¹⁶ Parts II, III, V, VI and VIII

to X.

¹⁷ Parts V to VIII.

¹⁸ Parts II to VII.

¹⁹ Parts II, III, V, VIII and IX.

Pursuant to Article 3, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9(d); 12(2); 15(d); 18(2); 27(d); 48(c) and 55(d).

²⁰ Parts VI to VIII.

²¹ Parts II to IV and VI to VIII.

²² Parts II, III, V, VI and VIII to X. Pursuant to Article 3, paragraph 1, of the Convention, the Government accepts the obligations of the Convention in respect of Parts II and VIII but avails itself of the temporary exceptions provided for in Articles 9(d) and 48(c).

²³ Parts II to V, VII and X.

²⁴ Parts II to VI, VIII and X.

* Part VI is no longer applicable as a result of the ratification of Convention No. 121.

⁻ As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable.

* Part III is no longer applicable as a result of the ratification of Convention No. 130.

RATIFIED CONVENTIONS

103. MATERNITY PROTECTION CONVENTION (REVISED), 1952

This Convention came into force on 7 September 1955

States	Ratification registered on	States	Ratification registered on
Austria ¹	4.12.69	Ukrainian SSR	14. 9.56
Bolivia	15.11.73	USSR	10. 8.56
Brazil ²	18. 6.65	Uruguay	18. 3.54
Byelorussian SSR	6.11.56	Venezuela ⁴	10. 8.82
Cuba	7. 9.54	Yugoslavia	30. 4.55
Ecuador	5. 2.62	Zambia	23.10.79
Equatorial Guinea	12. 6.85		
German Democratic Republic .	19. 6.79		
Greece	18. 2.83	¹ With the exception of the work specified in Article 7, paragraph 1(c).	
Hungary	8. 6.56		
Italy	5. 5.71	² With the exception of the occupations and work specified in Article 7, paragraph 1(b) and (c).	
Libyan Arab Jamahiriya	19. 6.75		
Luxembourg	10.12.69	³ With the exception of persons specified in Article 7, paragraph 1(d).	
Mongolia	3. 6.69		
Netherlands ²	18. 9.81	⁴ Has denounced this Convention.	
Poland	10. 3.76		
Portugal	2. 5.85		
Spain ³	17. 8.65		

104. ABOLITION OF PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1955

This Convention came into force on 7 June 1958

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Malawi	22. 3.65
Brazil	18. 6.65	Morocco	27. 3.63
Central African Republic ...	9. 6.64	New Zealand	28. 6.56
Colombia	4. 3.69	Niger	23. 3.62
Cuba	15. 8.57	Nigeria	25.10.62
Dominican Republic	10. 2.58	Panama	19. 6.70
Ecuador	3.10.69	Portugal	12. 4.60
Egypt	18.12.58	Swaziland	5. 6.81
El Salvador	18.11.58	Syrian Arab Republic	7. 6.57
Guinea-Bissau	21. 2.77	Thailand	29. 7.64
Iran, Islamic Republic of ..	13. 4.59	Tunisia	17.12.62
Liberia	25. 5.62	Yemen	22. 8.69
Libyan Arab Jamahiriya	20. 6.62		

RATIFIED CONVENTIONS

105. ABOLITION OF FORCED LABOUR CONVENTION, 1957

This Convention came into force on 17 January 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.63	Ireland	11. 6.58
Algeria	12. 6.69	Israel	10. 4.58
Angola	4. 6.76	Italy	15. 3.68
Antigua and Barbuda	2. 2.83	Ivory Coast	5. 5.61
Argentina	18. 1.60	Jamaica	26.12.62
Australia	7. 6.60	Jordan	31. 3.58
Austria	5. 3.58	Kenya	13. 1.64
Bahamas	25. 5.76	Kuwait	21. 9.61
Bangladesh	22. 6.72	Lebanon	1. 6.77
Barbados	8. 5.67	Liberia	25. 5.62
Belgium	23. 1.61	Libyan Arab Jamahiriya	13. 6.61
Belize	15.12.83	Luxembourg	24. 7.64
Benin	22. 5.61	Malaysia:	
Brazil	18. 6.65	Peninsular Malaysia	13.10.58
Burundi	11. 3.63	Sabah	3. 3.64
Cameroon	3. 9.62	Sarawak	3. 3.64
Canada	14. 7.59	Mali	28. 5.62
Cape Verde	3. 4.79	Malta	4. 1.65
Central African Republic ..	9. 6.64	Mauritius	2.12.69
Chad	8. 6.61	Mexico	1. 6.59
Colombia	7. 6.63	Morocco	1.12.66
Comoros	23.10.78	Mozambique	6. 6.77
Costa Rica	4. 5.59	Netherlands	18. 2.59
Cuba	2. 6.58	New Zealand	14. 6.68
Cyprus	23. 9.60	Nicaragua	31.10.67
Democratic Yemen	14. 4.69	Niger	23. 3.62
Denmark	17. 1.58	Nigeria	17.10.60
Djibouti	3. 8.78	Norway	14. 4.58
Dominica	28. 2.83	Pakistan	15. 2.60
Dominican Republic	23. 6.58	Panama	16. 5.66
Ecuador	5. 2.62	Papua New Guinea	1. 5.76
Egypt	23.10.58	Paraguay	16. 5.68
El Salvador	18.11.58	Peru	6.12.60
Fiji	19. 4.74	Philippines	17.11.60
Finland	27. 5.60	Poland	30. 7.58
France	18.12.69	Portugal	23.11.59
Gabon	29. 5.61	Rwanda	18. 9.62
Fed. Rep. of Germany	22. 6.59	Saint Lucia	14. 5.80
Ghana	15.12.58	Saudi Arabia	15. 6.78
Greece	30. 3.62	Senegal	28. 7.61
Grenada	9. 7.79	Seychelles	6. 2.78
Guatemala	9.12.59	Sierra Leone	13. 6.61
Guinea	11. 7.61	Singapore ¹	25.10.65
Guinea-Bissau	21. 2.77	Somalia	8.12.61
Guyana	8. 6.66	Spain	6.11.67
Haiti	4. 3.58	Sudan	22.10.70
Honduras	4. 8.58	Suriname	15. 6.76
Iceland	29.11.60	Swaziland	28. 2.79
Iran, Islamic Republic of ..	13. 4.59	Sweden	2. 6.58
Iraq	15. 6.59	Switzerland	18. 7.58

RATIFIED CONVENTIONS

105. ABOLITION OF FORCED LABOUR CONVENTION, 1957 (continued)

States	Ratification registered on	States	Ratification registered on
Syrian Arab Republic	23.10.58	Uganda	4. 6.63
Tanzania, United Rep. of:		United Kingdom	30.12.57
Tanganyika	30. 1.62	Uruguay	22.11.68
Zanzibar	22. 6.64	Venezuela	16.11.64
Thailand	2.12.69	Zambia	22. 2.65
Trinidad and Tobago	24. 5.63	Zimbabwe	6. 6.80
Tunisia	12. 1.59		
Turkey	29. 3.61		

¹ Has denounced this Convention.

106. WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957

This Convention came into force on 4 March 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.63	Mexico ³	1. 6.59
Angola	4. 6.76	Morocco	22. 7.74
Bangladesh ¹	22. 6.72	Netherlands	8.10.71
Bolivia	15.11.73	Pakistan ¹	15. 2.60
Brazil ²	18. 6.65	Paraguay	21. 3.66
Bulgaria	22. 7.60	Portugal	24.10.60
Byelorussian SSR	26. 2.68	Saudi Arabia	15. 6.78
Colombia	4. 3.69	Spain	5. 5.71
Comoros ³	23.10.78	Sri Lanka	27.10.83
Costa Rica	4. 5.59	Suriname	15. 6.76
Cuba	2. 6.58	Syrian Arab Republic ³	23.10.58
Cyprus	20.12.66	Tunisia ³	28. 5.58
Denmark ⁴	17. 1.58	Ukrainian SSR	19. 6.68
Djibouti ³	3. 8.78	USSR	22. 9.67
Dominican Republic	23. 6.58	Uruguay	28. 6.73
Ecuador	3.10.69	Yugoslavia ³	13.10.58
Egypt	23.10.58		
France ³	5. 5.71		
Gabon	26. 4.73		
Ghana	15.12.58		
Greece	28. 8.81		
Guatemala ³	9.12.59		
Guinea-Bissau	21. 2.77		
Haiti ³	4. 3.58		
Honduras	20. 6.60		
Indonesia	23. 8.72		
Iran, Islamic Republic of ..	22. 1.68		
Iraq	5. 7.60		
Israel ⁵	19. 6.61		
Italy	12. 8.63		
Jordan	23. 7.79		
Kuwait	21. 9.61		
Lebanon	1. 6.77		

¹ The Convention also applies to the establishments specified in Article 3, paragraph 1(c).

² The Convention also applies to the establishments specified in Article 3, paragraph 1(a), (c) and (d).

³ The Convention also applies to the establishments specified in Article 3, paragraph 1.

⁴ The Convention also applies to the establishments specified in Article 3, paragraph 1(a).

⁵ The Convention also applies to the establishments specified in Article 3, paragraph 1(b), (c) and (d).

RATIFIED CONVENTIONS

107. INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957

This Convention came into force on 2 June 1959

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Ghana	15.12.58
Argentina	18. 1.60	Guinea-Bissau	21. 2.77
Bangladesh	22. 6.72	Haiti	4. 3.58
Belgium	19.11.58	India	29. 9.58
Bolivia	12. 1.65	Malawi	22. 3.65
Brazil	18. 6.65	Mexico	1. 6.59
Colombia	4. 3.69	Pakistan	15. 2.60
Costa Rica	4. 5.59	Panama	4. 6.71
Cuba	2. 6.58	Paraguay	20. 2.69
Dominican Republic	23. 6.58	Peru	6.12.60
Ecuador	3.10.69	Portugal	22.11.60
Egypt	14. 1.59	Syrian Arab Republic	14. 1.59
El Salvador	18.11.58	Tunisia	17.12.62

108. SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958

This Convention came into force on 19 February 1961

States	Ratification registered on	States	Ratification registered on
Angola	4. 6.76	Italy	12. 8.63
Antigua and Barbuda	2. 2.83	Liberia	8. 7.81
Barbados	8. 5.67	Malta	4. 1.65
Belize	15.12.83	Mauritius	2.12.69
Brazil	5.11.63	Mexico	11. 9.61
Bulgaria	26. 1.77	Norway	26.10.70
Cameroon	29.11.82	Panama	19. 6.70
Canada	31. 5.67	Portugal	3. 8.67
Cuba	30.12.75	Romania	20. 9.76
Denmark	26.10.70	Saint Lucia	14. 5.80
Djibouti	3. 8.78	Seychelles	6. 2.78
Dominica	28. 2.83	Solomon Islands	6. 8.85
Fiji	19. 4.74	Spain	5. 5.71
Finland	26.10.70	Sweden	26.10.70
France	8. 6.67	Tanzania, United Rep. of:	
German Democratic Republic ..	7. 5.75	Tanganyika	26.11.62
Ghana	19. 2.60	Tunisia	26.10.59
Greece	9.10.63	Ukrainian SSR	17. 6.70
Grenada	9. 7.79	USSR	4.11.69
Guatemala	28.11.60	United Kingdom ¹	18. 2.64
Guinea-Bissau	21. 2.77	Uruguay	28. 6.73
Guyana	8. 6.66		
Honduras	20. 6.60		
Iceland	26.10.70		
Iran, Islamic Republic of ..	13. 3.67		
Ireland	17. 6.61		

¹ In conformity with Article 1, paragraph 2, of the Convention fishermen shall not be regarded as seafarers for the purpose of this Convention.

RATIFIED CONVENTIONS

109. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1958

This Convention has not yet come into force

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.72	Spain	14. 7.71
Brazil ¹	30.11.66	Yugoslavia	14. 1.66
France ¹	8. 6.67		
Guatemala	2. 8.61		
Italy	23. 6.81		
Mexico	11. 9.61	¹ Excluding Part II.	
Norway ²	30. 8.66	² Conditional ratification and excluding Part II.	
Portugal	9. 1.81		

110. PLANTATIONS CONVENTION, 1958

This Convention came into force on 22 January 1960

States	Ratification registered on	States	Ratification registered on
Brazil ¹	1. 3.65	Uruguay ²	28. 6.73
Cuba ²	30.12.58		
Ecuador	3.10.69		
Guatemala	4. 8.61	¹ Has denounced this Convention.	
Ivory Coast	5. 5.61	² Has accepted the text of the Protocol to the Plantations Convention, 1958, duly adopted by the General Conference of the International Labour Organisation during its 68th Session (1982).	
Liberia ¹	22. 7.59		
Mexico	20. 6.60		
Nicaragua	1.10.81		
Panama	15. 7.71		
Philippines	10.10.68		

RATIFIED CONVENTIONS

111. DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958

This Convention came into force on 15 June 1960

States	Ratification registered on	States	Ratification registered on
Afghanistan	1.10.69	Israel	12. 1.59
Algeria	12. 6.69	Italy	12. 8.63
Angola	4. 6.76	Ivory Coast	5. 5.61
Antigua and Barbuda	2. 2.83	Jamaica	10. 1.75
Argentina	18. 6.68	Jordan	4. 7.63
Australia	15. 6.73	Kuwait	1.12.66
Austria	10. 1.73	Lebanon	1. 6.77
Bangladesh	22. 6.72	Liberia	22. 7.59
Barbados	14.10.74	Libyan Arab Jamahiriya	13. 6.61
Belgium	22. 3.77	Madagascar	11. 8.61
Benin	22. 5.61	Malawi	22. 3.65
Bolivia	31. 1.77	Mali	2. 3.64
Brazil	26.11.65	Malta	1. 7.68
Bulgaria	22. 7.60	Mauritania	8.11.63
Burkina Faso	16. 4.62	Mexico	11. 9.61
Byelorussian SSR	4. 8.61	Mongolia	3. 6.69
Canada	26.11.64	Morocco	27. 3.63
Cape Verde	3. 4.79	Mozambique	6. 6.77
Central African Republic ...	9. 6.64	Nepal	19. 9.74
Chad	29. 3.66	Netherlands	15. 3.73
Chile	20. 9.71	New Zealand	3. 6.83
Colombia	4. 3.69	Nicaragua	31.10.67
Costa Rica	1. 3.62	Niger	23. 3.62
Cuba	26. 8.65	Norway	24. 9.59
Cyprus	2. 2.68	Pakistan	24. 1.61
Czechoslovakia	21. 1.64	Panama	16. 5.66
Denmark	22. 6.60	Paraguay	10. 7.67
Dominica	28. 2.83	Peru	10. 8.70
Dominican Republic	13. 7.64	Philippines	17.11.60
Ecuador	10. 7.62	Poland	30. 5.61
Egypt	10. 5.60	Portugal	19.11.59
Ethiopia	11. 6.66	Qatar	18. 8.76
Finland	23. 4.70	Romania	6. 6.73
France	28. 5.81	Rwanda	2. 2.81
Gabon	29. 5.61	Saint Lucia	18. 8.83
German Democratic Republic .	7. 5.75	Sao Tome and Principe	1. 6.82
Fed. Rep. of Germany	15. 6.61	Saudi Arabia	15. 6.78
Ghana	4. 4.61	Senegal	13.11.67
Greece	7. 5.84	Sierra Leone	14.10.66
Guatemala	11.10.60	Somalia	8.12.61
Guinea	1. 9.60	Spain	6.11.67
Guinea-Bissau	21. 2.77	Sudan	22.10.70
Guyana	13. 6.75	Swaziland	5. 6.81
Haiti	9.11.76	Sweden	20. 6.62
Honduras	20. 6.60	Switzerland	13. 7.61
Hungary	20. 6.61	Syrian Arab Republic	10. 5.60
Iceland	29. 7.63	Togo	8.11.83
India	3. 6.60	Trinidad and Tobago	26.11.70
Iran, Islamic Republic of ..	30. 6.64	Tunisia	14. 9.59
Iraq	15. 6.59	Turkey	19. 7.67

RATIFIED CONVENTIONS

111. DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (continued)

States	Ratification registered on	States	Ratification registered on
Ukrainian SSR	4. 8.61	Yemen	22. 8.69
USSR	4. 5.61	Yugoslavia	2. 2.61
Venezuela	3. 6.71	Zambia	23.10.79
Viet Nam	6. 1.64		

112. MINIMUM AGE (FISHERMEN) CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Albania	11. 8.64	Mexico	9. 8.61
Australia	15. 6.71	Netherlands ¹	15. 2.65
Belgium	8. 5.63	Norway ¹	22. 1.63
Bulgaria ¹	2. 3.61	Panama	19. 6.70
Costa Rica ¹	29.12.64	Peru	4. 4.62
Cuba ¹	5. 2.71	Poland ¹	20. 6.66
Denmark	27. 2.62	Spain ¹	7. 8.61
Ecuador	10. 3.69	Suriname	15. 6.76
France	8. 6.67	Tunisia	14. 1.63
Fed. Rep. of Germany ¹	11. 2.63	Ukrainian SSR ¹	4. 8.61
Guatemala	2. 8.61	USSR ¹	4. 5.61
Guinea	7.11.60	Uruguay ¹	28. 6.73
Israel ¹	19. 6.61	Yugoslavia ¹	2. 2.61
Italy ¹	5. 5.71		
Kenya ¹	9. 2.71		
Liberia	16. 5.60		
Mauritania	8.11.63		

¹ Convention denounced as a result of the ratification of Convention No. 138.

RATIFIED CONVENTIONS

113. MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Belgium	8. 5.63	Norway	5.12.80
Brazil	1. 3.65	Panama	19. 6.70
Bulgaria	2. 3.61	Peru	4. 4.62
Costa Rica	29.12.64	Poland	11. 1.80
Cuba	5. 2.71	Spain	7. 8.61
Ecuador	10. 3.69	Tunisia	14. 1.63
France	8. 6.67	Ukrainian SSR	17. 6.70
Fed. Rep. of Germany	8.10.76	USSR	4.11.69
Guatemala	2. 8.61	Uruguay	28. 6.73
Guinea	7.11.60	Yugoslavia	26. 5.61
Liberia	16. 5.60		

114. FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959

This Convention came into force on 7 November 1961

States	Ratification registered on	States	Ratification registered on
Belgium	8. 5.63	Mauritania	8.11.63
Costa Rica	29.12.64	Netherlands	8. 8.80
Cyprus	20.12.66	Panama	19. 6.70
Ecuador	5. 4.78	Peru	4. 4.62
France	8. 6.67	Spain	7. 8.61
Fed. Rep. of Germany	1. 7.64	Tunisia	14. 1.63
Guatemala	2. 8.61	United Kingdom	20.12.74
Guinea	7.11.60	Uruguay	28. 6.73
Italy	10. 4.62	Yugoslavia	22.12.61
Liberia	16. 5.60		

RATIFIED CONVENTIONS

115. RADIATION PROTECTION CONVENTION, 1960

This Convention came into force on 17 June 1962

States	Ratification registered on	States	Ratification registered on
Argentina	15. 6.78	India	17.11.75
Barbados	8. 5.67	Iraq	26.10.62
Belgium	2. 7.65	Italy	5. 5.71
Belize	15.12.83	Japan	31. 7.73
Brazil	5. 9.66	Lebanon	6.12.77
Byelorussian SSR	26. 2.68	Mexico	19.10.83
Czechoslovakia	21. 1.64	Netherlands	29.11.66
Denmark	7. 2.74	Nicaragua	1.10.81
Djibouti	3. 8.78	Norway	17. 6.61
Ecuador	9. 3.70	Paraguay	10. 7.67
Egypt	18. 3.64	Poland	23.12.64
Finland	16.10.78	Spain	17. 7.62
France	18.11.71	Sweden	12. 4.61
German Democratic Republic .	7. 5.75	Switzerland	29. 5.63
Fed. Rep. of Germany	26. 9.73	Syrian Arab Republic	15. 1.64
Ghana	7.11.61	Turkey	15.11.68
Greece	4. 6.82	Ukrainian SSR	19. 6.68
Guinea	12.12.66	USSR	22. 9.67
Guyana	8. 6.66	United Kingdom	9. 3.62
Hungary	8. 6.68		

RATIFIED CONVENTIONS

116. FINAL ARTICLES REVISION CONVENTION, 1961

This Convention came into force on 5 February 1962

States	Ratification registered on	States	Ratification registered on
Australia	29.10.63	Luxembourg	4. 3.64
Austria	14.11.63	Madagascar	1. 6.64
Bangladesh	22. 6.72	Mauritania	8.11.63
Bolivia	12. 1.65	Mexico	3.11.66
Brazil	5. 9.66	Morocco	14.11.62
Bulgaria	3.10.69	Netherlands	13.11.64
Burkina Faso	16. 4.62	New Zealand	1. 3.63
Byelorussian SSR	11. 3.70	Niger	23. 3.62
Cameroon	29.12.64	Nigeria	27. 6.62
Canada	25. 4.62	Norway	22. 1.63
Central African Republic ...	10. 6.63	Pakistan	17.11.67
Chad	5. 2.62	Panama	19. 6.70
Colombia	4. 3.69	Paraguay	20. 2.69
Cuba	5. 2.71	Poland	22. 4.64
Cyprus	20. 7.64	Romania	9. 4.65
Czechoslovakia	21. 1.64	Senegal	13.11.67
Denmark	10. 7.62	South Africa	9. 8.63
Ecuador	10. 3.69	Spain	17. 7.62
Egypt	26. 3.62	Sri Lanka	26. 4.74
Ethiopia	11. 6.66	Sweden	3. 4.62
Finland	1. 6.64	Switzerland	5.11.62
France	8. 6.67	Syrian Arab Republic	10. 8.65
Fed. Rep. of Germany	7.10.63	Thailand	24. 9.62
Ghana	27. 8.63	Tunisia	15. 1.62
Guatemala	25. 1.65	Turkey	2. 9.68
Honduras	17.11.64	Ukrainian SSR	17. 6.70
India	21. 6.62	USSR	4.11.69
Iraq	26.10.62	United Kingdom	9. 3.62
Ireland	27. 2.63	Uruguay	28. 6.73
Israel	24. 5.63	Venezuela	16.11.64
Ivory Coast	2. 1.63	Viet Nam	7.12.70
Japan	29. 4.71	Yugoslavia	9. 3.65
Jordan	4. 7.63	Zaire	5. 9.67
Kuwait	23. 4.63		

RATIFIED CONVENTIONS

117. SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962

This Convention came into force on 23 April 1964

States	Ratification registered on	States	Ratification registered on
Bahamas	25. 5.76	Niger	23.11.64
Bolivia	31. 1.77	Panama	4. 6.71
Brazil	24. 3.69	Paraguay	20. 2.69
Central African Republic ...	9. 6.64	Portugal	9. 1.81
Costa Rica	27. 1.66	Romania	6. 6.73
Ecuador	3.10.69	Senegal	13.11.67
Ghana	18. 6.64	Spain	8. 5.73
Guinea	12.12.66	Sudan	22.10.70
Israel	15. 1.64	Syrian Arab Republic	11.12.64
Italy	27.12.66	Tunisia	14. 4.70
Jamaica	4. 1.66	Venezuela	6. 9.83
Jordan	7. 3.63	Viet Nam	7.12.70
Kuwait	23. 4.63	Zaire	5. 9.67
Madagascar	1. 6.64	Zambia	2.12.64
Nicaragua	1.10.81		

RATIFIED CONVENTIONS

118. EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962

This Convention came into force on 25 April 1964

States	Ratification registered on	States	Ratification registered on
Bangladesh ¹	22. 6.72	Kenya ¹⁸	9. 2.71
Barbados ²	14.10.74	Libyan Arab Jamahiriya ¹⁶	19. 6.75
Bolivia ³	31. 1.77	Madagascar ¹⁹	22. 6.64
Brazil ⁴	24. 3.69	Mauritania ²⁰	15. 7.68
Central African Republic ⁵	8.10.64	Mexico ⁴	6. 1.78
Denmark ⁶	17. 6.69	Netherlands ¹⁶	3. 7.64
Ecuador ⁷	9. 3.70	Norway ²¹	28. 8.63
Finland ⁸	15. 8.69	Pakistan ¹	27. 3.69
France ⁹	13. 5.74	Suriname ²²	15. 6.76
Fed. Rep. of Germany ¹⁰	19. 3.71	Sweden ¹⁰	25. 4.63
Guatemala ¹¹	4.11.63	Syrian Arab Republic ²³	18.11.63
Guinea ¹²	11. 8.67	Tunisia ²⁴	20. 9.65
India ¹³	19. 8.64	Turkey ⁴	25. 6.74
Iraq ⁴	28. 4.78	Uruguay ²⁵	22. 2.83
Ireland ¹⁴	26.11.64	Venezuela ⁴	5.11.82
Israel ¹⁵	9. 6.65	Viet Nam ²⁶	7.12.70
Italy ¹⁶	5. 5.67	Zaire ²⁷	1.11.67
Jordan ¹⁷	7. 3.63		

¹ Branches (c) and (g).

² Branches (b), (c) and (e) to (g).

³ Branches (a) to (c) and (i).

⁴ Branches (a) to (g).

⁵ Branches (c), (e), (g) and (i).

⁶ Branches (a), (b), (g) and (h).

⁷ Branches (a) to (d), (f) and (g).

⁸ Branches (a), (b) and (g).

The Government has stated that medical care and sickness benefit are benefits provided in accordance with Article 2, paragraph 6(a) and that employment injury benefit is granted under transitional schemes referred to in Article 2, paragraph 6(b).

⁹ Branches (a) to (d), (f), (g) and (i).

¹⁰ Branches (a) to (c), (g) and (h).

¹¹ Branch (c).

¹² Branches (a) to (c), (e) to (g) and (i).

¹³ Branches (a) to (c).

¹⁴ Branches (a), (b), (g), (h) and (i).

¹⁵ Branches (c), (e) to (g) and (i).

¹⁶ Branches (a) to (i).

¹⁷ Branches (c), (d), (f) and (g).

¹⁸ Branches (d) to (f).

¹⁹ Branches (b) to (d) and (g).

²⁰ Branches (d) to (g) and (i).

²¹ Branches (f) and (i).

²² Branch (g).

²³ Branches (d) to (g).

²⁴ Branches (a) to (g) and (i).

²⁵ Branches (a) to (c) and (g) to (i).

²⁶ Branches (c), (g) and (i).

²⁷ Branches (d), (e) and (g).

RATIFIED CONVENTIONS

119. GUARDING OF MACHINERY CONVENTION, 1963

This Convention came into force on 21 April 1965

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Panama	15. 7.71
Byelorussian SSR	11. 3.70	Paraguay	10. 7.67
Central African Republic ...	9. 6.64	Poland	3. 2.77
Congo	23.11.64	Sierra Leone	21. 4.64
Cyprus	29. 3.65	Spain	30.11.71
Dominican Republic	9. 3.65	Sweden	29.12.64
Ecuador	3.10.69	Syrian Arab Republic	10. 6.65
Finland	15. 8.69	Tunisia	14. 4.70
Ghana	18. 3.65	Turkey	13.11.67
Guatemala	26. 2.64	Ukrainian SSR	17. 6.70
Guinea	12.12.66	USSR	4.11.69
Italy	5. 5.71	Uruguay	2. 6.77
Japan	31. 7.73	Yugoslavia	7. 5.70
Jordan	4. 5.64	Zaire	5. 9.67
Kuwait	23.11.64		
Madagascar	1. 6.64		
Malaysia	6. 6.74		
Morocco	22. 7.74		
Nicaragua	1.10.81		
Niger	23.11.64		
Norway ¹	10.12.69		

¹ In conformity with the provisions of Article 17, paragraph 1, of the Convention a declaration specifies to which undertakings and to which ships, boats and barges the provisions of the Convention apply.

RATIFIED CONVENTIONS

120. HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964

This Convention came into force on 29 March 1966

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Lebanon	1. 6.77
Belgium	17. 5.78	Madagascar	21.11.66
Bolivia	31. 1.77	Mexico	18. 6.68
Brazil	24. 3.69	Norway	6. 6.66
Bulgaria	29. 3.65	Panama	19. 6.70
Byelorussian SSR	26. 2.68	Paraguay	10. 7.67
Costa Rica	27. 1.66	Poland	26. 6.68
Cuba	5. 2.71	Portugal	24. 2.83
Denmark	17. 6.70	Senegal	25. 4.66
Djibouti	3. 8.78	Spain	16. 6.70
Ecuador	10. 3.69	Sweden	11. 6.65
Finland	23. 9.68	Switzerland	18. 2.66
France	6. 4.72	Syrian Arab Republic	10. 6.65
German Democratic Republic .	7. 5.75	Tunisia	14. 4.70
Fed. Rep. of Germany	5.12.73	Ukrainian SSR	19. 6.68
Ghana	21.11.66	USSR	22. 9.67
Guatemala	21.10.75	United Kingdom	21. 4.67
Guinea	12.12.66	Venezuela	3. 6.71
Indonesia	13. 6.69	Viet Nam	7.12.70
Italy	5. 5.71	Zaire	5. 9.67
Jordan	11. 3.65		

RATIFIED CONVENTIONS

121. EMPLOYMENT INJURY BENEFITS CONVENTION, 1964*

This Convention came into force on 28 July 1967

States	Ratification registered on	States	Ratification registered on
Belgium	22. 4.70	Yugoslavia	7. 5.70
Bolivia ¹	31. 1.77	Zaire	5. 9.67
Cyprus	28. 7.66		
Ecuador ¹	5. 4.78		
Finland ²	23. 9.68		
Fed. Rep. of Germany	1. 3.72		
Guinea	11. 8.67		
Ireland	9. 6.69		
Japan ²	7. 6.74		
Libyan Arab Jamahiriya	19. 6.75		
Luxembourg	24. 7.72		
Netherlands ²	2. 8.66		
Senegal	25. 4.66		
Sweden	17. 6.69		
Uruguay ²	28. 6.73		
Venezuela	10. 8.82		

¹ Pursuant to Article 2, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 5; 9, paragraph 3, clause (b); 12; 15, paragraph 2; and 18, paragraph 3.

² Has accepted the text of the List of Occupational Diseases (Schedule I) duly amended by the General Conference of the International Labour Conference during its 66th Session (1980).

* Ratifications registered after 24 June 1980 relate to the Convention with the amended list of occupational diseases adopted by the Conference at its 66th Session (June 1980).

RATIFIED CONVENTIONS

122. EMPLOYMENT POLICY CONVENTION, 1964

This Convention came into force on 15 July 1966

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Lebanon	1. 6.77
Australia	12.11.69	Libyan Arab Jamahiriya	27. 5.71
Austria	27. 7.72	Madagascar	21.11.66
Barbados	15. 3.76	Mauritania	30. 7.71
Belgium	8. 7.69	Mongolia	24.11.76
Bolivia	31. 1.77	Morocco	11. 5.79
Brazil	24. 3.69	Netherlands	9. 1.67
Byelorussian SSR	26. 2.68	New Zealand	15. 7.65
Cameroon	25. 5.70	Nicaragua	1.10.81
Canada	16. 9.66	Norway	6. 6.66
Chile	24.10.68	Panama	19. 6.70
Comoros	23.10.78	Papua New Guinea	1. 5.76
Costa Rica	27. 1.66	Paraguay	20. 2.69
Cuba	5. 2.71	Peru	27. 7.67
Cyprus	28. 7.66	Philippines	13. 1.76
Czechoslovakia	15. 7.75	Poland	24.11.66
Denmark	17. 6.70	Portugal	9. 1.81
Djibouti	3. 8.78	Romania	6. 6.73
Ecuador	13.11.72	Senegal	25. 4.66
Finland	23. 9.68	Spain	28.12.70
France	5. 8.71	Sudan	22.10.70
German Democratic Republic	7. 5.75	Suriname	15. 6.76
Fed. Rep. of Germany	17. 6.71	Sweden	11. 6.65
Greece	7. 5.84	Thailand	26. 2.69
Guinea	12.12.66	Tunisia	17. 2.66
Honduras	9. 6.80	Turkey	13.12.77
Hungary	18. 6.69	Uganda	23. 6.67
Iran, Islamic Republic of	10. 6.72	Ukrainian SSR	19. 6.68
Iraq	2. 3.70	USSR	22. 9.67
Ireland	20. 6.67	United Kingdom	27. 6.66
Israel	26. 1.70	Uruguay	2. 6.77
Italy	5. 5.71	Venezuela	10. 8.82
Jamaica	10. 1.75	Viet Nam	7.12.70
Jordan	10. 3.66	Yugoslavia	23. 8.71
Democratic Kampuchea	28. 9.71	Zambia	23.10.79

RATIFIED CONVENTIONS

123. MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965

This Convention came into force on 10 November 1967

States	Ratification registered on	States	Ratification registered on
Australia ¹	12.12.71	Thailand ²	5. 4.68
Belgium ²	17. 5.78	Tunisia ²	24. 7.67
Bolivia ¹	31. 1.77	Uganda ¹	23. 6.67
Bulgaria ³	3.10.69	Ukrainian SSR ³	17. 6.70
Byelorussian SSR ¹	11. 3.70	USSR ³	4.11.69
Cameroon ¹	6.11.70	Viet Nam ¹	7.12.70
Cyprus ¹	11. 4.67	Yugoslavia ³	7. 5.70
Czechoslovakia ²	7. 6.68	Zambia ²	3. 4.67
Djibouti ¹	3. 8.78		
Ecuador ²	10. 3.69		
France ¹	18.11.71		
Gabon ²	18.10.68	¹ Minimum age specified: 16 years.	
Hungary ¹	8. 6.68	² Minimum age specified: 18 years.	
India ¹	20. 3.75	³ Convention denounced as a result of the ratification of Convention No. 138.	
Italy ³	5. 5.71	⁴ Minimum age specified: for apprentices and trainees, under certain conditions, 16 years; for other categories of workers, 18 years.	
Jordan ¹	6. 6.66	⁵ Minimum age specified: for apprentices, under certain conditions, 16 years; for other categories of workers, 18 years.	
Kenya ³	20. 6.68	⁶ Minimum age specified: 19 full years; for apprentices, 20 full years.	
Madagascar ²	23.10.67	⁷ Minimum age specified: 17 years.	
Malaysia ¹	6. 6.74		
Mexico ¹	29. 8.68		
Mongolia ²	3.12.81		
Netherlands ³	8. 4.69		
Nigeria ¹	14. 5.74		
Panama ²	24. 9.70		
Paraguay ²	10.10.68		
Poland ⁴	30. 9.69		
Rwanda ²	1. 6.70		
Saudi Arabia ²	15. 6.78		
Spain ⁵	6.11.67		
Swaziland ¹	5. 6.81		
Switzerland ⁶	10.11.66		
Syrian Arab Republic ⁷	26. 6.72		

RATIFIED CONVENTIONS

124. MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965

This Convention came into force on 13 December 1967

States	Ratification registered on	States	Ratification registered on
Argentina	20. 6.85	Italy	5. 5.71
Austria	8.12.71	Jordan	6. 6.66
Belgium	6. 5.77	Madagascar	23.10.67
Bolivia	31. 1.77	Mexico	29. 8.68
Brazil	21. 8.70	Netherlands	8. 4.69
Bulgaria	3.10.69	Panama	19. 6.70
Byelorussian SSR	11. 3.70	Paraguay	10. 7.67
Cyprus	18. 1.67	Poland	26. 6.68
Czechoslovakia	23. 4.80	Portugal	2. 5.85
Djibouti	3. 8.78	Spain	30.11.71
Ecuador	10. 3.69	Syrian Arab Republic	18. 8.72
Finland	23. 9.68	Tunisia	3. 5.67
France	5. 8.71	Uganda	23. 6.67
Gabon	18.10.68	Ukrainian SSR	17. 6.70
German Democratic Republic ..	19. 6.79	USSR	4.11.69
Greece	28. 8.81	United Kingdom	13.12.66
Hungary	8. 6.68	Viet Nam	7.12.70
Ireland	10. 6.85	Zambia	10. 3.67

125. FISHERMEN'S COMPETENCY CERTIFICATES CONVENTION, 1966

This Convention came into force on 15 July 1969

States	Ratification registered on
Belgium	22. 7.69
Brazil	21. 8.70
Djibouti	3. 8.78
France	2. 4.70
Panama	19. 6.70
Senegal	15. 7.68
Sierra Leone	6.11.67
Syrian Arab Republic	6. 5.69
Trinidad and Tobago	14.12.72

RATIFIED CONVENTIONS

126. ACCOMMODATION OF CREWS (FISHERMEN) CONVENTION, 1966

This Convention came into force on 6 November 1968

States	Ratification registered on	States	Ratification registered on
Belgium	22. 7.69	Panama	4. 6.71
Denmark	6. 6.78	Sierra Leone	6.11.67
Djibouti	3. 8.78	Spain	8.11.68
France	18.11.71	Ukrainian SSR	17. 6.70
Fed. Rep. of Germany	14. 8.74	USSR	4.11.69
Netherlands	12. 5.76	United Kingdom	13. 8.85
Norway	6. 7.67	Yugoslavia	23.11.73

127. MAXIMUM WEIGHT CONVENTION, 1967

This Convention came into force on 10 March 1970

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6.69	Madagascar	4. 1.71
Brazil	21. 8.70	Nicaragua	1. 3.76
Bulgaria	21. 6.78	Panama	19. 6.70
Chile	3.11.72	Poland	2. 5.73
Costa Rica	16. 3.72	Portugal	2.10.85
Ecuador	10. 3.69	Romania	28.10.75
France	31. 5.73	Spain	7. 6.69
German Democratic Republic .	20. 8.75	Thailand	26. 2.69
Guatemala	25. 7.83	Tunisia	14. 4.70
Italy	5. 5.71	Turkey	13.11.75
Lebanon	1. 6.77	Venezuela	1. 2.84

RATIFIED CONVENTIONS

128. INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967

This Convention came into force on 1 November 1969

States	Ratification registered on	States	Ratification registered on
Austria ¹	4.11.69	Libyan Arab Jamahiriya ³	19. 6.75
Barbados ²	15. 9.72	Netherlands ³	27.10.69
Bolivia ^{3,*}	31. 1.77	Norway ³	1.11.68
Cyprus ⁴	7. 1.69	Sweden ³	26. 7.68
Ecuador ^{3,*}	5. 4.78	Switzerland ³	13. 9.77
Finland ³	13. 1.76	Uruguay ³	28. 6.73
Fed. Rep. of Germany ³	15. 1.71	Venezuela ^{3,*}	1.12.83

¹ Has accepted Part III. In accordance with Article 39, paragraph 1(b), public servants are excluded from the application of the Convention.

² Has accepted Parts II and III.

³ Has accepted all Parts.

⁴ Has accepted Part IV.

* Pursuant to Article 4, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9, paragraph 2; 13, paragraph 2; 16, paragraph 2; 22, paragraph 2. The Government has also availed itself of the temporary exclusion provided for in Article 38, paragraph 1, of the Convention.

129. LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969

This Convention came into force on 19 January 1972

States	Ratification registered on	States	Ratification registered on
Argentina	20. 6.85	Madagascar	21.12.71
Bolivia	31. 1.77	Malawi	20. 7.71
Burkina Faso	21. 5.74	Morocco	11. 5.79
Colombia	16.11.76	Netherlands	29. 6.73
Costa Rica	16. 3.72	Norway	14. 4.71
Denmark	30.11.72	Portugal	24. 2.83
Finland	3. 9.74	Romania	28.10.75
France	28.12.72	Spain	5. 5.71
Fed. Rep. of Germany	26. 9.73	Sweden	14. 5.70
Guyana	19. 1.71	Syrian Arab Republic	18. 4.72
Italy	23. 6.81	Uruguay	28. 6.73
Kenya	9. 4.79	Yugoslavia	22. 7.75

RATIFIED CONVENTIONS

130. MEDICAL CARE AND SICKNESS BENEFITS CONVENTION, 1969

This Convention came into force on 27 May 1972

States	Ratification registered on	States	Ratification registered on
Bolivia*	31. 1.77	Libyan Arab Jamahiriya	19. 6.75
Costa Rica	16. 3.72	Luxembourg	3. 7.80
Czechoslovakia	27. 5.71	Norway	15. 2.72
Denmark	6. 6.78	Sweden	14. 5.70
Ecuador**	5. 4.78	Uruguay	28. 6.73
Finland	3. 9.74	Venezuela	10. 8.82
Fed. Rep. of Germany	8. 8.74		

* Pursuant to Article 2, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 1, subparagraph (g), clause (i); 11; 14; 20. The Government has also availed itself of the temporary exclusion provided for in Article 3, paragraph 1, of the Convention.

** Pursuant to Article 2, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 1, subparagraph (g), clause (i); 11; 14; 20; 26, paragraph 2. The Government has also availed itself of the temporary exclusion provided for in Article 3, paragraph 1, of the Convention.

131. MINIMUM WAGE FIXING CONVENTION, 1970

This Convention came into force on 29 April 1972

States	Ratification registered on	States	Ratification registered on
Australia	15. 6.73	Mexico	18. 4.73
Bolivia	31. 1.77	Nepal	19. 9.74
Brazil	4. 5.83	Netherlands	10.10.73
Burkina Faso	21. 5.74	Nicaragua	1. 3.76
Cameroon	6. 7.73	Niger	24. 4.80
Costa Rica	8. 6.79	Portugal	24. 2.83
Cuba	5. 1.72	Romania	28.10.75
Ecuador	2.12.70	Spain	30.11.71
Egypt	12. 5.76	Sri Lanka	17. 3.75
France	28.12.72	Swaziland	5. 6.81
Guyana	10. 1.83	Syrian Arab Republic	18. 4.72
Iraq	16. 5.74	Tanzania, United Rep. of	30. 5.83
Japan	29. 4.71	Uruguay	2. 6.77
Kenya	9. 4.79	Yemen	29. 7.76
Lebanon	1. 6.77	Yugoslavia	6.12.83
Libyan Arab Jamahiriya	27. 5.71	Zambia	20. 6.72

RATIFIED CONVENTIONS

132. HOLIDAYS WITH PAY CONVENTION (REVISED), 1970

This Convention came into force on 30 June 1973

States	Ratification registered on	States	Ratification registered on
Burkina Faso ^{1,*}	12. 7.74	Madagascar ^{2,*}	8. 2.72
Cameroon ^{2,*}	7. 8.73	Norway ^{6,*}	22. 6.73
Fed. Rep. of Germany ^{3,*}	1.10.75	Portugal ^{7,*}	17. 3.81
Guinea ^{1,*}	2. 6.77	Spain ^{2,*}	30. 6.72
Iraq ^{2,*}	19. 2.74	Sweden ^{8,*}	7. 6.78
Ireland ^{2,*}	20. 6.74	Uruguay ^{9,*}	2. 6.77
Italy ^{2,*}	28. 7.81	Yemen ^{10,*}	1.11.76
Kenya ^{4,*}	9. 4.79	Yugoslavia ^{3,*}	12. 5.75
Luxembourg ^{5,*}	1.10.79		

¹ Length of holiday specified: 1
calendar month.

² Length of holiday specified: 3
weeks.

³ Length of holiday specified:
18 working days.

⁴ Length of holiday specified:
21 working days.

⁵ Length of holiday specified:
25 working days.

⁶ Length of holiday specified:
24 working days.

⁷ Length of holiday specified:
21 days.

⁸ Length of holiday specified: 5
weeks.

⁹ Length of holiday specified:
20 working days.

¹⁰ Length of holiday specified:
21 days for workers and 30 days for
employees.

^{*} Has accepted the provisions of
Article 15, paragraph 1(a) and (b).

[†] Has accepted the provisions of
Article 15, paragraph 1(a).

133. ACCOMMODATION OF CREWS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1970

This Convention has not yet come into force

States	Ratification registered on	States	Ratification registered on
Finland	22.11.74	Netherlands	8. 1.85
France	24. 3.72	New Zealand	31. 5.77
Fed. Rep. of Germany	14. 8.74	Nigeria	12. 6.73
Guinea	26. 5.77	Norway	14. 3.75
Israel	21. 8.80	Poland	9.10.75
Italy	23. 6.81	Sweden	17. 2.72
Ivory Coast	19. 6.72	United Kingdom	26. 3.81
Liberia	8. 5.78	Uruguay	2. 6.77

RATIFIED CONVENTIONS

134. PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970

This Convention came into force on 17 February 1973

States	Ratification registered on	States	Ratification registered on
Costa Rica	8. 6.79	Mexico	2. 5.74
Denmark	28. 7.80	New Zealand	31. 5.77
Egypt	4. 8.82	Nigeria	12. 6.73
Finland	22.11.74	Norway	9. 3.76
France	27. 2.78	Poland	26. 6.80
Fed. Rep. of Germany	14. 8.74	Romania	28.10.75
Greece	8. 6.77	Spain	30.11.71
Guinea	26. 5.77	Sweden	17. 2.72
Israel	21. 8.80	Tanzania, United Rep. of ...	30. 5.83
Italy	23. 6.81	Uruguay	2. 6.77
Japan	3. 7.78		

135. WORKERS' REPRESENTATIVES CONVENTION, 1971

This Convention came into force on 30 June 1973

States	Ratification registered on	States	Ratification registered on
Austria	6. 8.73	Luxembourg	9.10.79
Barbados	25. 4.77	Mexico	2. 5.74
Burkina Faso	21. 5.74	Netherlands	19.11.75
Cameroon	5. 4.76	Nicaragua	1.10.81
Costa Rica	7.12.77	Niger	5. 4.72
Cuba	17.11.72	Norway	24.11.76
Denmark	6. 6.78	Poland	9. 6.77
Egypt	25. 3.82	Portugal	31. 5.76
Finland	13. 1.76	Romania	28.10.75
France	30. 6.72	Senegal	24. 8.76
Gabon	13. 6.75	Spain	21.12.72
German Democratic Republic .	7. 5.75	Sri Lanka	16.11.76
Fed. Rep. of Germany	26. 9.73	Suriname	15. 6.76
Guinea	26. 5.77	Sweden	11. 8.72
Guyana	10. 1.83	Syrian Arab Republic	6. 3.75
Hungary	11. 9.72	Tanzania, United Rep. of ...	19. 8.83
Iraq	27. 7.72	United Kingdom	15. 3.73
Italy	23. 6.81	Yemen	29. 7.76
Ivory Coast	21. 2.73	Yugoslavia	6.12.83
Jordan	23. 7.79	Zambia	24. 5.73
Kenya	9. 4.79		

RATIFIED CONVENTIONS

136. BENZENE CONVENTION, 1971

This Convention came into force on 27 July 1973

States	Ratification registered on	States	Ratification registered on
Bolivia	31. 1.77	Israel	21. 6.79
Colombia	16.11.76	Italy	23. 6.81
Cuba	17.11.72	Ivory Coast	21. 2.73
Czechoslovakia	23. 4.80	Kuwait	29. 3.74
Ecuador	27. 3.75	Morocco	22. 7.74
Finland	13. 1.76	Nicaragua	1.10.81
France	30. 6.72	Romania	6.11.75
Fed. Rep. of Germany	26. 9.73	Spain	8. 5.73
Greece	24. 1.77	Switzerland	25. 3.75
Guinea	26. 5.77	Syrian Arab Republic	7. 2.77
Guyana	10. 1.83	Uruguay	2. 6.77
Hungary	11. 9.72	Yugoslavia	24. 6.75
Iraq	27. 7.72	Zambia	24. 5.73

137. DOCK WORK CONVENTION, 1973

This Convention came into force on 24 July 1975

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Netherlands	14. 9.76
Australia	25. 6.74	Nicaragua	1.10.81
Costa Rica	3. 7.75	Norway	21.10.74
Cuba	7. 1.75	Poland	22. 2.79
Egypt	4. 8.82	Portugal	9. 1.81
Finland	13. 1.76	Romania	28.10.75
France	15. 2.77	Spain	22. 4.75
Guyana	10. 1.83	Sweden	24. 7.74
Iraq	9. 3.78	Tanzania, United Rep. of ...	30. 5.83
Italy	23. 6.81	Uruguay	31. 7.80
Kenya	9. 4.79		

RATIFIED CONVENTIONS

138. MINIMUM AGE CONVENTION, 1973

This Convention came into force on 19 June 1976

States	Ratification registered on	States	Ratification registered on
Algeria ¹	30. 4.84	Niger ³	4.12.78
Antigua and Barbuda ¹	17. 3.83	Norway ²	8. 7.80
Bulgaria ¹	23. 4.80	Poland ²	22. 3.78
Byelorussian SSR ¹	3. 5.79	Romania ¹	19.11.75
Costa Rica ²	11. 6.76	Rwanda ³	15. 4.81
Cuba ²	7. 3.75	Spain ²	16. 5.77
Dominica ²	27. 9.83	Togo ³	16. 3.84
Equatorial Guinea ³	12. 6.85	Ukrainian SSR ¹	3. 5.79
Finland ²	13. 1.76	USSR ¹	3. 5.79
German Democratic Republic ¹	19. 6.79	Uruguay ²	2. 6.77
Fed. Rep. of Germany ²	8. 4.76	Yugoslavia ²	6.12.83
Honduras ³	9. 6.80	Zambia ²	9. 2.76
Iraq ²	13. 2.85		
Ireland ²	22. 6.78		
Israel ²	21. 6.79		
Italy ²	28. 7.81		
Kenya ¹	9. 4.79		
Libyan Arab Jamahiriya ⁴	19. 6.75		
Luxembourg ²	24. 3.77		
Netherlands ²	14. 9.76		
Nicaragua ³	2.11.81		

¹ Minimum age specified: 16 years.

² Minimum age specified: 15 years.

³ Minimum age specified: 14 years.

⁴ Minimum age specified: 18 years.

139. OCCUPATIONAL CANCER CONVENTION, 1974

This Convention came into force on 10 June 1976

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Italy	23. 6.81
Argentina	15. 6.78	Japan	26. 7.77
Denmark	6. 6.78	Nicaragua	1.10.81
Ecuador	27. 3.75	Norway	14. 6.77
Egypt	25. 3.82	Peru	16.11.76
Finland	4. 5.77	Sweden	23. 9.75
Fed. Rep. of Germany	23. 8.76	Switzerland	28.10.76
Guinea	20. 4.76	Syrian Arab Republic	1. 2.79
Guyana	10. 1.83	Uruguay	31. 7.80
Hungary	10. 6.75	Venezuela	5. 7.83
Iraq	31. 3.78	Yugoslavia	19. 8.77

RATIFIED CONVENTIONS

140. PAID EDUCATIONAL LEAVE CONVENTION, 1974

This Convention came into force on 23 September 1976

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Mexico	17. 2.77
Cuba	30.12.75	Netherlands	14. 9.76
Czechoslovakia	24. 5.76	Nicaragua	1.10.81
France	20.10.75	Poland	23. 4.79
German Democratic Republic .	14. 7.77	Spain	18. 9.78
Fed. Rep. of Germany	30.11.76	Sweden	23. 9.75
Guinea	20. 4.76	Tanzania, United Rep. of ...	30. 5.83
Guyana	10. 1.83	United Kingdom	4.12.75
Hungary	10. 6.75	Venezuela	6. 9.83
Iraq	9. 5.78	Yugoslavia	6.12.83
Kenya	9. 4.79		

141. RURAL WORKERS' ORGANISATIONS CONVENTION, 1975

This Convention came into force on 24 November 1977

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Kenya	9. 4.79
Austria	18. 9.78	Mexico	28. 6.78
Cuba	14. 4.77	Netherlands	26. 1.77
Cyprus	28. 6.77	Nicaragua	1.10.81
Denmark	6. 6.78	Norway	24.11.76
Ecuador	26.10.77	Philippines	18. 6.79
Finland	14. 9.77	Spain	28. 4.78
France	10. 9.84	Sweden	19. 7.76
Fed. Rep. of Germany	5.12.78	Switzerland	23. 5.77
Guyana	10. 1.83	United Kingdom	15. 2.77
India	18. 8.77	Venezuela	5. 7.83
Israel	21. 6.79	Zambia	4.12.78
Italy	18.10.79		

RATIFIED CONVENTIONS

142. HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975

This Convention came into force on 19 July 1977

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5.79	Ireland	22. 6.79
Algeria	26. 1.84	Israel	21. 6.79
Argentina	15. 6.78	Italy	18.10.79
Australia	10. 9.85	Jordan	23. 7.79
Austria	2. 3.79	Kenya	9. 4.79
Brazil	24.11.81	Mexico	28. 6.78
Byelorussian SSR	3. 5.79	Netherlands	19. 6.79
Cuba	5. 1.78	Nicaragua	4.11.77
Cyprus	28. 6.77	Norway	24.11.76
Czechoslovakia	6. 3.79	Poland	10.10.79
Denmark	5. 6.81	Portugal	9. 1.81
Ecuador	26.10.77	San Marino	23. 5.85
Egypt	25. 3.82	Spain	16. 5.77
Finland	14. 9.77	Sweden	19. 7.76
France	10. 9.84	Switzerland	23. 5.77
German Democratic Republic .	19. 6.79	Tanzania, United Rep. of ...	30. 5.83
Fed. Rep. of Germany	29.12.80	Ukrainian SSR	3. 5.79
Guinea	5. 6.78	USSR	3. 5.79
Guyana	10. 1.83	United Kingdom	15. 2.77
Hungary	17. 6.76	Venezuela	8.10.84
Iraq	26. 7.78	Yugoslavia	6.12.83

143. MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975

This Convention came into force on 9 December 1978

States	Ratification registered on	States	Ratification registered on
Benin	11. 6.80	Sweden ²	28.12.82
Burkina Faso	9.12.77	Togo	8.11.83
Cameroon	4. 7.78	Uganda	31. 3.78
Cyprus	28. 6.77	Venezuela	17. 8.83
Guinea	5. 6.78	Yugoslavia	19. 6.81
Italy	23. 6.81		
Kenya	9. 4.79		
Norway ¹	24. 1.79		
Portugal	12.12.78		
San Marino	23. 5.85		

¹ Excluding Part I.

² Excluding Part II.

RATIFIED CONVENTIONS

144. TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976

This Convention came into force on 16 May 1978

States	Ratification registered on	States	Ratification registered on
Australia	11. 6.79	Ireland	22. 6.79
Austria	2. 3.79	Italy	18.10.79
Bahamas	16. 8.79	Mexico	28. 6.78
Bangladesh	17. 4.79	Netherlands	27. 7.78
Barbados	6. 4.83	Nicaragua	1.10.81
Belgium	29.10.82	Norway	9. 8.77
Costa Rica	29. 7.81	Portugal	9. 1.81
Cyprus	28. 6.77	San Marino	23. 5.85
Denmark	6. 6.78	Sierra Leone	21. 1.85
Ecuador	23.11.79	Spain	13. 2.84
Egypt	25. 3.82	Suriname	16.11.79
Finland	2.10.78	Swaziland	5. 6.81
France	8. 6.82	Sweden	16. 5.77
Fed. Rep. of Germany	23. 7.79	Syrian Arab Republic	28. 5.85
Greece	28. 8.81	Tanzania, United Rep. of ...	30. 5.83
Guyana	10. 1.83	Togo	8.11.83
Iceland	30. 6.81	United Kingdom	15. 2.77
India	27. 2.78	Venezuela	17. 6.83
Iraq	11. 9.78	Zambia	4.12.78

145. CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976

This Convention came into force on 3 May 1979

States	Ratification registered on	States	Ratification registered on
Costa Rica	16. 6.81	Morocco	7. 3.80
Cuba	9. 2.79	Netherlands	10. 1.79
Egypt	17. 3.83	New Zealand	11. 1.80
Finland	2.10.78	Norway	24. 1.79
France	3. 5.78	Poland	10.10.79
Hungary	8. 6.78	Portugal	23. 5.83
Iraq	14.11.79	Spain	28. 4.78
Italy	23. 6.81	Sweden	6.10.81

RATIFIED CONVENTIONS

146. SEAFARERS' ANNUAL LEAVE WITH PAY CONVENTION, 1976

This Convention came into force on 13 June 1979

States	Ratification registered on	States	Ratification registered on
Cameroon ¹	13. 6.78	Netherlands ⁴	12.11.80
France ²	15. 6.78	Nicaragua ⁴	1.10.81
Iraq ³	15. 2.85	Portugal ⁴	25. 6.84
Italy ⁴	28. 7.81	Spain ⁵	9. 3.79
Morocco ⁴	10. 7.80	Sweden ⁶	7. 6.78

¹ Length of annual leave specified: 60 consecutive days for officers and 3 consecutive days per month for seamen.

² Length of annual leave specified: 116 days for officers and seamen employed on board French merchant vessels and a minimum of 111 days for crews of tugboats and port vessels.

³ Length of annual leave specified: 36 days.

⁴ Length of annual leave specified: 30 days.

⁵ Length of annual leave specified: 37, 40 or 60 days according to the different types of navigation and 44, 60 or 64 days for special leave according to the cargoes carried by the different types of ships.

⁶ Length of annual leave specified: 5 weeks.

147. MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976

This Convention came into force on 28 November 1981

States	Ratification registered on	States	Ratification registered on
Belgium	16. 9.82	Japan	31. 5.83
Costa Rica	24. 6.81	Liberia	8. 7.81
Denmark	28. 7.80	Morocco	15. 6.81
Egypt	17. 3.83	Netherlands	25. 1.79
Finland	2.10.78	Norway	24. 1.79
France	2. 5.78	Portugal	2. 5.85
Fed. Rep. of Germany	14. 7.80	Spain	28. 4.78
Greece	18. 9.79	Sweden	20.12.78
Iraq	15. 2.85	United Kingdom	28.11.80
Italy	23. 6.81		

RATIFIED CONVENTIONS

148. WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977

This Convention came into force on 11 July 1979

States	Ratification registered on	States	Ratification registered on
Brazil	14. 1.82	Tanzania, United Rep. of ² ..	30. 5.83
Costa Rica	16. 6.81	United Kingdom ²	8. 3.79
Cuba	29.12.80	Yugoslavia	6.12.83
Ecuador	11. 7.78	Zambia	19. 8.80
Finland	8. 6.79		
France	30. 7.85		
Guinea	8. 6.82		
Iraq	17. 4.85	¹ Has accepted the obligations of the Convention in respect of air pollution and noise only.	
Italy	28. 2.85		
Norway	13. 3.79	² Has accepted the obligations of the Convention in respect of air pollution only.	
Portugal	9. 1.81		
Spain ¹	17.12.80		
Sweden	10. 7.78		

149. NURSING PERSONNEL CONVENTION, 1977

This Convention came into force on 11 July 1979

States	Ratification registered on	States	Ratification registered on
Bangladesh	17. 4.79	Jamaica	4. 6.84
Byelorussian SSR	3. 5.79	Philippines	18. 6.79
Denmark	5. 6.81	Poland	4.11.80
Ecuador	11. 7.78	Portugal	28. 5.85
Egypt	3.11.82	Sweden	10. 7.78
Finland	8. 6.79	Tanzania, United Rep. of ...	30. 5.83
France	10. 9.84	Ukrainian SSR	3. 5.79
Guinea	8. 6.82	USSR	3. 5.79
Guyana	10. 1.83	Uruguay	31. 7.80
Iraq	4. 6.80	Venezuela	17. 8.83
Italy	28. 2.85	Zambia	19. 8.80

RATIFIED CONVENTIONS

150. LABOUR ADMINISTRATION CONVENTION, 1978

This Convention came into force on 11 October 1980

States	Ratification registered on	States	Ratification registered on
Algeria	26. 1.84	Israel	7.12.79
Australia	10. 9.85	Italy	28. 2.85
Burkina Faso	3. 4.80	Jamaica	4. 6.84
Costa Rica	25. 9.84	Mexico	10. 2.82
Cuba	29.12.80	Netherlands	8. 8.80
Cyprus	6. 7.81	Norway	19. 3.80
Denmark	5. 6.81	Portugal	9. 1.81
Finland	25. 2.80	Spain	3. 3.82
Gabon	11.10.79	Suriname	29. 9.81
Fed. Rep. of Germany	26. 2.81	Sweden	11. 6.79
Greece	31. 7.85	Switzerland	3. 3.81
Guinea	8. 6.82	United Kingdom	19. 3.80
Guyana	10. 1.83	Venezuela	17. 8.83
Iraq	10. 7.80	Zambia	19. 8.80

151. LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978

This Convention came into force on 25 February 1981

States	Ratification registered on	States	Ratification registered on
Cuba	29.12.80	Poland	26. 7.82
Cyprus	6. 7.81	Portugal	9. 1.81
Denmark	5. 6.81	Spain	18. 9.84
Finland	25. 2.80	Suriname	29. 9.81
Guinea	8. 6.82	Sweden	11. 6.79
Guyana	10. 1.83	Switzerland	3. 3.81
Italy	28. 2.85	United Kingdom	19. 3.80
Norway	19. 3.80	Zambia	19. 8.80
Peru	27.10.80		

RATIFIED CONVENTIONS

152. OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979

This Convention came into force on 5 December 1981

States	Ratification registered on	States	Ratification registered on
Cuba	15.10.82	Mexico	10. 2.82
France	30. 7.85	Norway	5.12.80
Finland	3. 7.81	Spain	3. 3.82
Fed. Rep. of Germany	17.12.82	Sweden	13. 6.80
Guinea	8. 6.82	Tanzania, United Rep. of ...	30. 5.83
Iraq	17. 4.85		

153. HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1979

This Convention came into force on 10 February 1983

States	Ratification registered on
Iraq	17. 4.85
Mexico	10. 2.82
Spain	7. 2.85
Switzerland	4. 5.81
Venezuela	5. 7.83

154. COLLECTIVE BARGAINING CONVENTION, 1981

This Convention came into force on 11 August 1983

States	Ratification registered on
Finland	9. 2.83
Niger	5. 6.85
Norway	22. 6.82
Spain	11. 9.85
Sweden	11. 8.82
Switzerland	16.11.83

RATIFIED CONVENTIONS

155. OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981

This Convention came into force on 11 August 1983

States	Ratification registered on
<hr/>	
Cuba	7. 9.82
Finland	24. 4.85
Mexico	1. 2.84
Norway	22. 6.82
Portugal	28. 5.85
Spain	11. 9.85
Sweden	11. 8.82
Venezuela	25. 6.84

156. WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981

This Convention came into force on 11 August 1983

States	Ratification registered on
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Finland	9. 2.83
Niger	5. 6.85
Norway	22. 6.82
Portugal	2. 5.85
Spain	11. 9.85
Sweden	11. 8.82
Venezuela	27.11.84

157. MAINTENANCE OF SOCIAL SECURITY RIGHTS CONVENTION, 1982

This Convention will come into force on 11 September 1986

States	Ratification registered on
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Spain	11. 9.85
Sweden	18. 4.84

RATIFIED CONVENTIONS

158. TERMINATION OF EMPLOYMENT CONVENTION, 1982

This Convention came into force on 23 November 1985

States	Ratification registered on
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Cyprus	5. 7.85
Niger	5. 6.85
Spain	26. 4.85
Sweden	20. 6.83
Venezuela	6. 5.85
Yugoslavia	23.11.84

159. VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983

This Convention came into force on 20 June 1985

States	Ratification registered on
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Czechoslovakia	21. 2.85
Denmark	1. 4.85
Finland	24. 4.85
Greece	31. 7.85
Hungary	20. 6.84
Norway	13. 8.84
San Marino	23. 5.85
Sweden	12. 6.84
Switzerland	20. 6.85
